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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 23, No. 2 April, 1940

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THE LOUISIANA HISTORICAL SOCIETY

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Vol. 23, No. 2 APRIL, 1940

MINUTES OF THE COUNCIL OF WEST FLORIDA* APRIL 3-JULY 22, 1769

Edited by JAMES A. PADGETT

Minutes of the Council from the arrival of Governor Eliot to the 22d. July when Mr. Poussett was put out of Office by Mr. Browne,—from that time until Mr. Poussett was reinstated no fair Minutes have been kept.

1769

Minutes of the Council began the 3d day of April 1769 on the Arrival of His Excellency Governor Eliot.

(April 3, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 3d day of April 1769—

Present His Excellency Governor Eliot, The Honorable Wm. Clifton C. J., Jacob Blackwell, David Hodge, Alex'r Moore, Arthur Neil and James Jones, Esq'rs.

His Excellency produced His most Sacred Majesty's Commissions & Letters Patent under the Great Seal of Great Britain appointing him His Majesty's Captain General, Vice Admiral and Governor in Chief of this Province which said Commissions were read in Council, and afterwards published on the Gallery of the Council House, the Troops in Garrison being drawn out and the Inhabitants attending.

Then His Excellency took the state Oaths appointed by law, declaring and subscribed the Test and also took the Oaths for

* Copied from the original in West Florida Papers, Library of Congress. This document is in a bound volume, in a fair state of preservation, but the spelling and syntax, as well as the writing, are not of the best. However, the editor has sought to make an exact reproduction of the document, even seeking more expert assistance when in doubt about a word or phrase.

administering the Government and for securing Trade and Navigation, agreable to the several Acts of Parliament in that Case made which two last mentioned Oaths are as follows, Vizt.

Governor's Oath

You do swear that you will faith and true Allegiance bear unto His most Sacred Majesty King George the third and to his Heirs and Successors and will well and truly execute the Office and trust of Captain General and Governor in Chief of the Province of West Florida according to the best of your Skill and knowledge and according to the power to you granted by Virtue of His Majesty's Letters patents bearing date at Westminster the 15th. day of May in the Seventh Year of His Majesty's Reign. So help you God.

Oath relating to the Acts of Trade and Navigation

You do swear that you will do your utmost that all the Clauses, Matters and things contained in An Act of Parliament made in the fourth Year of His present Majesty's Reign entitled An Act for granting certain Duties in the British Colony's and Plantations in America &ct. and in any Act of Parliament heretofore made and now in force relating to the said Colonies and Plantations be punctually and bona fide observed according to the true Intent and Meaning thereof so far as appertains unto you as Governor or Commander in Chief of this Province. So help you God.

His Excellency then appointed Mr. Durnford, Mr. Blackwell, Mr. Hodge, Mr. Moore, Mr. Neil, Mr. Jones and Mr. Godley Members of His Majesty's Council, the Lieutenant Governor and Chief Justice being appointed by His Majesty.

The Governor then said that he intended that all the Members should take their Seats in the following Order—

His Honor Montfort Browne Esq'r, The Honorable Will'm Clifton C:J:, Ellis Durnford, Jacob Blackwell, David Hodge, Alexander Moore, Arthur Neil, James Jones, William Godley, Esq'rs.

Then the Members present took the state Oaths appointed by Law declared and subscribed the Test and also took the Oath of a Councellor which said Oath is as follows Namely.

Councellors Oath

You do swear that you will faith and true Allegiance bear unto His most Sacred Majesty King George the third and to his

Heirs and Successors and shall be true and faithfull to His Excellency John Eliot Esq'r as he is Commissioned Captain General and Governor in Chief of this His Majesty's Province of West Florida and that you will in the place and Office of His Majesty's Councellor of this Province well and faithfully serve his said Majesty and promote the good of His Majesty's Affairs with your best Advice and Council; you shall with your best Ability defend this Province from all foreign Invasions and intestine insurrections, you shall not Countenance or Conceal any Plot or seditious Conspiracy, or any treasonable Seditious speeches against His said Majesty his Heirs or Successors or his said Governor or to some Members of the Council the secrets of the Council you shall not Reveal directly or indirectly all which you shall to the utmost of your power & Ability perform. So help you God.

Then Francis Poussett Deputy Provincial Secretary and Clerk of the Council took the Oath of Secrecy &ct, Vizt.

I Francis Poussett do swear that I will bear faith and true Allegiance to our Sovereign Lord the King His Heirs and Successors I will bear true fidelity to His Majesty's Governor, Lieutenant Governor or Commander in Chief of this Province, the secrets of the Governor and Council I will noway reveal. I will in all Things behave myself honestly and truly as a Secretary, Register of the Records, and Clerk of the Council ought to do.

A Proclamation for continuing all Officers Civil and Military in this Province in their respective Places and Trusts untill His Majesty's Pleasure shall be further signified by His Excellency was ordered to be published.

Ordered that the Secretary of the Province do prepare the same.

(April 5, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the fifth Day of April 1769—

Present His Excellency, The Honorable Will'm Clifton C. J., Jacob Blackwell, David Hodge, Alexander Moore, Arthur Neil and James Jones, Esq'rs.

Edmund Rush Wegg Esq'r Attorney General took before His Excellency in Council the state Oaths appointed by Law and made and subscribed the Declaration.

His Excellency Ordered to be read in Council the 1, 2, 3, 7, 8, 9, 10, 11, 16, 18, 19, 51, 52, 53, 54, 55, 56, 62, and 75th. Articles of His Majesty's Instructions, which was accordingly read and His Excellency said he would order a Copy of them to be made out for the use of the Council.

His Excellency laid before the Board His Majesty's order in Council of 12: Aug't 1768 signifying his disallowance of the Acts hereunder mentioned passed by the General Assembly of this Province Vizt.—

An Act appointing the members of the Assembly and regulating Elections.—

An Act to encourage Foreigners to come into and Settle in this Province.—

Which said Order is as follows—

At the Court of St. James's the 12 day of August 1768:

Present The King's most Excellent Majesty—Duke Grafton, Duke Rutland, Duke Queensbury, Marquis Granby, Earl of Leitchfield, Earl of Hilsborough, Earl of Shelburne, Viscount Weymouth, Viscount Falmouth, Viscount Barrington, Viscount Villers, Lord North, Jas. Stuart McKensie Esq'r, Thos. Harley Esq'r, Sir Ric'd Hawke.

Whereas my Commission: under the Great Seal of Great Britain the Governor Council and Assembly of his Majesty's Province of West Florida are authorised and impowered to make Constitute and ordain Laws Statutes and Ordinances for the Publick peace, Welfare and Government of the said Province, which Laws Statutes and Ordinances are to be as near as Conveniently May be, agreable to the Laws and Statutes of this Kingdom and are to be transmitted to his Majesty for his Royal Approbation or disallowance and "Whereas in persuance of the said powers two acts were passed in the said Province in Jan'ry 1767, and transmitted as follows, Vizt.

An Act appointing the Number of the Assembly and regulating Elections—

An Act to encourage Foreigners to come into and Settle in this Province.—

Which Acts together with a Representation from the Lords Commissioners for Trade & Plantations thereupon having been

refer'd to the Consideration of a Committee of the Lords of His Majesty's most Honorable privy Council for plantation affairs the said Lords of the Committee did this day report as their Opinion to his Majesty ought to be disannulled. His Majesty taking the same into Considera'on was pleased, with the Advice of His privy Council to declare his disallowance of the said Acts, and persuant to His Majesty's Royal pleasure thereupon expressed the said Acts are hereby disallowed declared Void & of none effect. Wherefore the Governor, Lieut Governor or Commander in Chief of His Majesty's Province of West Florida for the time being and all others whom it may Concern are to take Notice and Govern themselves accordingly.—

Signed Stephi Cothell—

A Proclamation was order to be Issued accordingly.

Ordered that the Provincial Secretary do prepare the same.

His Excellency acquainted the Council that the House which had been taken of Brigadier-General Haldimand for the Residence of the Governor of this Province was exceedingly inconvenient, and that it was his opinion to make the necessary additions wou'd require as much Money as would put the House belonging to his Majesty in the Garrison, formerly occupy'd by Governor Johnstone and Lt. Governor Browne, in Tenatable repair. He had therefore fixed upon the latter for his Residence & that as the other had been taken for a limited time it might be appropriated to the Purposes of Divine Worship, Holding the Courts of Justice, Assembly, Secretary's Office &c. &c.—

It is as the opinion of His Excellency and the Council that a new Commission of the peace should be made out, that the several Members of the Board, and Attorney General for the Time being, as also Frans. Poussett, Patric Junis, & Edward Crofton Esq'rs be justices of the Peace for this Province; Benjamin Ward, George Gauld, John Allen Martin, V. S. Comyn, Joseph Garrow, David Waugh, Arth: Strothers and Geo: Urguhart Esq'rs for the Town & district of Pensacola; Daniel Ward, Henry Lizars, John Lorimer, Michael Grant, Dugald Campbell, Robert Farmar, John McIntosh & Alex'r McIntosh Esq'rs for Charlotte County.—And John Bradley and Henry Fairchild for the Districts of the Ibberville & Natchez—

Ordered that the Secretary of the Province do prepare the Same.

(April 7, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 7. day of April 1769.—

Present His Excellency, His Honorable Montfort Browne Esq'r Lt. Govr., The Honorable Wm. Clifton C. J., Jacob Blackwell, David Hodge, Alex'r Moore, Arth: Neale & Jas. Jones, Esq'rs—

His Honor Montfort Browne Esq'r took the State Oaths appointed by Law, declared and subscribed the Test and also took the Oath of a Councellor.

George Urguhart, Deputy Collector, James Firguson, Deputy Naval Officer, Alex'r McPherson Judge Surrogate of the Court of Admiralty, & Deputy Clerk of the Crown & Pleas, and John Allen Martin, Attending were called in and took the state oath appointed by Law and made and Subscribed the Declaration.—

His Excellency desired the opinion of the Council; that as his Majesty had been pleased to disallow Two Acts of the General Assembly of this Province and one of them being the Act for appointing the number of Members, and for regulating Elections, under which Act the present Assembly were called—Wither they can possibly continue as an Assembly after the Proclamation which has been issued Publishing his Majesty's disallowance of the Acts aforesaid and wither the Council were not of opinion that the present Assembly should be dissolved.—

The Council were unanimously of opinion that the present Assembly could no longer subsist, as the Act under Authority of which they were Chosen had been repealed by his Majesty & Consequently their further duration could not be lawful, And therefore the Assembly should be dissolved.—

His Excellency then desired the further opinion of the Council wither, in the present State of the Colony, it would not be proper to call a new Assembly to consult with them on the most likely means to promote the Advancement & prosperity of the province.—

The Council were unanimously of opinion a New Assembly should be called.—

ORDERED That a proclamation be Issued setting forth that the present Assembly being elected according to and under the Authority of an Act of this Province, which Act it had pleased his Majesty to disallow, His Excellency therefore thought fit with the Advice of the Council to dissolve the same, and to notify further the calling of a New Assembly to meet on Monday the 22d. day of May next.

Ordered that the Secretary of the Province do prepare the Same.

His Excellency then desired the opinion of the Board, on the proper number of Members to serve for the Assembly, & of the Qualifications of Candidates & Voters at the general Election.

All which upon mature Consideration was setled as follows—

That every Candidate be a Freeholder.

That every Freeholder without Limitation be entitled to Vote.

That every Householder paying £10. Sterling pr. ann Rent be also entitled to Vote provided that such Householder has rented a House in this Province for Six Months.—

That there be 8 members for Pensacola; 8 do. for Charlotte County; & 2 for the Township of Campbell Town.—

Ordered that the Secretary of the Province do prepare the writs of Election Accordingly.—and that they bear Test on Monday the 9. Instant returnable in forty days.—

(April 20, 1769)

West Florida:

At a Council held in the Colony at Pensacola the 20 day of April 1769—

Present His Excellent, the Honorable Montfort Browne Esq'r, The Hon'ble Wm. Clifton C. J., Elias Durnford, David Hodge, Arth: Neale, James Jones & Wm. Godley, Esq'rs.

Mr. Durnford & Mr. Godley took the state Oaths appointed by Law, declared & subscribed the Test & also took the Councellor's Oath.

His Excellency acquainted the board that since it had been determined in Council that a new Commission of Peace Should be made out, a difficulty had occur'd to him respecting the taking away the Court of Quarter Sessions that he had found the executive part of many of the Laws of the Province were directed to

the Justices in their Quarter Sessions such as levying Forfeitures and Penalty's, Recommending proper persons to Retail Speritous Liquors, Clearing of the Woods about Pensacola & Mobile, Appeals respecting Indentured Servants &c. and therefore desired the further opinion of the Council wither the establishment of the said Court must not of necessity be Continued.—

Upon taking the matter into Consideration the Inconveniencies that appear'd to attend the Continuation of the Quarter Sessions was first, that there is no president in the other Colonies of such a Court, 2dly. that no prosecutions at the Suit of the Crown can be carry'd on but by the Attorney General who has a power from his Majesty to that extent, that it is not customary for an Attorney General to prosecute in a Court of Quarter Sessions, 3dly. That the Custos has a right to appoint a Clerk of the Peace who heretofore used to prepare all Indictments which came before that Court whereas there is now a Clerk of the Crown Deputed from England whose office wou'd Consequently interfere with any appointement of a Clerk by the Custos—and lastly that it is a great hardship upon the Inhabitants to be obliged to attend so frequently upon Juries.

On the other hand it was considered that the power of holding the Quarter Sessions had been given to the Justices from the first establishment of the Civil Government, and that in Consequence the Laws of the province had in many Cases refer'd to the said Court, which Laws could not now be well executed without it. That it was acknowledged to be a speedy execution of Justice and at a much less expence than in the Superior Court. That it was very necessary Quarter Sessions should be held in Charlotte County for the Tryal and punishment of petty Criminals, as it would be next to depriving that Community of the Administration of Justice if the Inhabitants were obliged to come round to Pensacola either as prosecutors or Witnesses upon every small offense which nevertheless required to be made examples of. Upon the whole (the Attorney General's Opinion having been taken) it was Resolved, that the Court of Quarter Sessions should be continued, but without any Custos Rotulorum and that the Attorney General should appoint some person to manage the Crown business and prepare Indictments which he would direct and inspect and Mr. McPherson might either act or appoint another under him as Clerk of the Peace.

ORDERED That the Secretary of the Province do prepare a Commission of the Peace accordingly and that John McGilvray, Ric'd Williams, Gordon Rich'd Nugent and William Marshall be added to the Justices in the said Commission.

His Excellency acquainted the Council that he had been informed of a Controversy that happened at the last election for Campbell Town by Reason that the boundaries of that district had not been regularly asscertained. He therefore desired the opinion of the Council what limits would be proper to settle for that district, to avoid any subject of disputes hereafter.

The Surveyor General having laid a plan before the Council & his opinion having been taken it was resolved the Township of Campbell Town should be bounded on the South by Lord Elibanks North Line, running round the entrance of the River Scambia untill it meets with the West Line of Count Benticks Land, & from thence up the different Rivers leading up the Country.—

Ordered that the Clerk do give the provost Marshall a Copy of the above boundaries and the Qualifications of Voters.—

Lieut. Governor Browne mentioned to his Excellency in Council that as his private affairs would oblige him to apply to his Excellency for a leave to go soon to England and as a Gentleman, Mr. Bowker had wrote a Letter to his Majesty's agent Containing some Charges against him relating to the Contingent Money, He beg'd the favour that his Excellency & the Gentlemen of the Council wou'd indulge him with an inquiry into the Nature and particulars of the said Charge whenever it would be agreable to them.

In Compliance with Lt Governor Browne's Request Monday next is appointed for an inquiry into whatever the Lieut Governor shall please to lay before them.

His Excellency laid before the board a petition he had received from Jeremiah Terry setting Forth—

"That under the administration of Governor Johnstone He obtained a Warrant of Survey for a Tract of Land between Coxe's Lagoon and the Grand Lagoon joining on the Bay of Pensacola opposite the West end of Rose Island Known by the name of the Red Cliffs which warrant he gave the Surveyor General to execute, but which he said he could not immediately do on Account

of the Illness of his Deputy, and the multiplicity of Business which he was obliged to finish before Governor Johnstone left the Province. The Petitioner in right of said Warrant of Survey made Considerable Improvements on the Land before it was Surveyed—after the Lines were run out before the Surveyor had time to make a Return of the Plat, the Petitioner was called to New-Orleans, on his return he went to the Secretary's Office for his Grant, but finding 460 Acres reserved for the Use of his Majesty in front of said Land, contrary to the Tenor of the Warrant—where no Timber grows fit for Firewood or building Fortifications; And that there were Several Lots granted out of the said Reserved Land by His Honor the Lieut Governor, in Council, to other Persons, Induced the Petitioner not to take out the Grant till His Excellency's arrival—He therefore prays that an enquiry may be made into the Reasons for this extraordinary Reserve as by this means he is deprived of the principal benefit which he purposed to himself in taking so large a Tract in that part preferable to others more fertiler—And that without Redress the Improvements he has made to entitle himself to sd. Land will be of no Value to him—&c—"

His Excellency said he could not possibly be acquainted with the Nature of the Case otherwise than is set forth in the peti'on. He therefore beg'd to be informed what were the Reasons of a Reserve of so much Land of which the petitioner Complains and also the opinion of the Council respect'g the Justice due to the Petitioner.

Mr. Durnford then, as Surveyor General Informed His Excellency and the Council that he is directed by his Majesty's positive Instructions to reserve in all Surveys of Land such parts thereof as he may think proper for Erecting Fortifications, Publick Building &c. or for any other purposes His Majesty's service may require. That the Reserve mentioned in the petition He declares, not as Surveyor only, but as Engineer also, is the most proper for erecting Forts & Batteries at the entrance of the Harbour for the protection of the place and that he should not have done his duty had he not made the Reserve, that he had not left so much Land out of the Survey, *Contrary to the Warrant*, as every Warrant of Survey expressly mentions *"Observing his Majesty's Instructions in laying out the same"*. Respecting the Lots complain'd of as granted away to others out of the said

Reserve, Mr. Durnford said that they were granted by the Lieut Governor in Council to Pilots as a proper place for looking out for Vessells & that they were rather to be occupy'd Conditionally than Granted, as the Lots were to deliver'd up whenever his Majesty's Service Should require them.—

Upon this acc't given by Mr. Durnford the Council were clearly of opinion with his Excellency that the Said land is properly reserved & agreable to his Majesty's Instructions.—

Read the Petition of John Crozier—Setting forth:

"That the Gaols at Pensacola are entirely insecure and not sufficient for the Purposes for which they are intended. That by reason of there being two Gaols, one for Debtors and the other for Criminals there is a necessity of employing two Gaolers, and from the small fees arising from the Office of Provost Marshall which the Petition executes He finds it Impossible to make a suitable allowance to Such persons as ought necessarily to attend the said Gaols. That he has been informed that the sallary's of the Gaolers both at Pensacola & Mobile were defrayed out of the Contingent Money during the time of Governor Johnstone.—That the sum of £30 had also been allowed to the provost marshall for Publish'g proclamations & executing Writs of Elections &c. That He Conceives this allowance is intended for the Deputy & not the Patentee & that the Petitioner is not accountable to him for the same.—

Ordered that the said Petition do lay before the Board for further Consideration.—

(April 24, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 24 day of April 1769.—

Present His Excellency, His Honor Lieut Governor Browne, The Hon'ble William Clifton C. J., Elias Durnford, David Hodge, Alex'r Moore, Arth: Neale, Jas. Jones, Wm. Godley, Esq'rs.

The Minutes of the preceding Council were read.

His Honor the Lieut Gov'r requested that the enquirry which by his desire was to have been this day may be postponed untill Thursday next.—

His Excellency said there were some further Articles of His Majesty's Instructions which were proper to be read in Council & which he would also order to be Copy'd for the use of the Board.—

The Clerk then by order of His Excellency read the 41, 42, 43, 44, 45, 46, 47, 48, 49, & 50th. Articles of his Majesty's Instruc'ons.

His Excellency then desired the opinion of the Council that as by the 41st. Article of his Majesty's Instructions which has been now read and in which his majesty requires all the Spanish Inhabitants in this Province who are possessed of Land by Grants or Concessions made before the signing of the preliminary articles of the Peace, do within a limited time Register such Grants in the Surveyor's Office, that it may appear what Title they have to such Lands so declared, Wither it would not be proper to Issue a proclamation accordingly.

The Council were of opinion with his Excellency that such a proclamation would be proper.

His Excellency then directed the further Opinion of the Council, that as he was informed there had been no Register kept of the Lands granted to the French Inhabitants by his most Christian Majesty before the signing of the preliminary Articles of Peace, which occasioned great Inconveniences to the Office of the Surveyor-General by not knowing the situation extent or boundaries of the Lands so Claimed & possessed by the French Inhabitants, and which may occasion difficulties in future in respect to the Titles thereof by not being recorded—Wither it woud not be expedient and to the General benefit and advantage of the said French Inhabitants & others who claim under them to Issue a proclamation requiring all Persons who possess or Claim such Lands by Virtue of such Grants from his most Christian majesty or otherwise, that they do in three Months deliver their Titles to be recorded in the Secretary's Office.

The Council were of opinion Such a Proclamation would be expedient & of general advantage to the French Inhabitants & others who Claim under them.

His Excellency Mention'd to the Council that by the 52d. Article of his Majesty's Instructions there is 5 S for every fifty acres required to be paid for Lands Granted to all Persons over

and above their Family right which he observed had not been hitherto demanded— That he was of Opinion His Majesty's Instruc'ons should be strictly observed for the future.—

The Council were unanimously of the same opinion, and that the demand should be made & paid before the Grants be delivered out of the Secretary's Office.—And that the Secretary do furnish the Receiver General or other Person whom his Excellency shall appoint to Collect the same, with a Docket of all such Lands granted which shall be liable to the said Consideration so that the receiver General or such other person as afors'd may receive the same, and signify it accordingly to the Secretary before he Issues the Grant.

ORDERED That the Secretary do put up an Advertisement that on Tuesday next & the first Tuesday in every Month His Excellency will sit in Council for the hearing Petitions and granting of Lands, and that all persons who petitions must attend and be examined on oath respect'g their Family rights.

Read the Petition of John Murry setting Forth—

"That he has already obtained a Grant of Land of 500 acres on the River Mississippi on which he is now Setled with five Negroes. That he intends shortly to procure a greater Number of Slaves and is desirous of extending his Improvements." Therefore praying for 500 acres more adjoining his said Land which if granted he engages to settle and Improve.—

Rejected.—

Read the Petition Joshua Parker sett'g forth—

"That he has been two years an inhabitant of this Province and is desirous of a Tract of Land for Cultivation proposing to settle the same Immediately." Therefore pray for 500 acres where Vacant on the River of Mobile.—

Resolved—That on Condition he takes out his Grant in 7 Months & pays five shillings for the 50 Acres over his Family right that 100 Acres is granted and that he do receive the remaining 400 Acres on the arrival of the Family he mentions.

Read the Petition Thos. Berwick, Sett'g forth—

"That he has a wife and one Child & expects some more of his Family shortly from Charles Town. That he is desirous of obtaining a Tract of Land for himself & them to Cultivate. There-

fore praying for 500 acres or whatever Quantity to the Council shall seem meet, wherever Vacant near the Natchez, as he purposes to improve the same Immediately.—"

Resolved—That on Condition &c. and that he pay 5 S. for the 50 acres over his Family right That 250 acres is granted him.

Read the Petition John Walteker Sett'g forth That "he hath been long a Resident in the Province and hitherto obtained no Land—That he is desirous of obtaining a Tract for Cultivation having a Family consisting of a Wife and two Children.—Therefore praying for 400 Acres where Vacant on the R. Mississippi which he engages shortly to Settle and Improve.—"

Resolved—That on Condition &c. 250 Acres is Granted.

Read the Petition Evan Jones, James Jones, and Joseph Blackwell, Sett'g forth "That they are desirous of obtaining a Tract of Land for Cultivation on the River of Mobille being 18 in Family.—Therefore praying for 2000 acres—in five Tracts.—"

Resolved—That on Condition &c. and that they pay 5 S. for the 1000 Acres over their family right (ie 5 S for every 50 acres), That 2000 acres is granted them in different Tracts.—

Read the Petition of Frans. Poussett Sett'g forth—

"That during His Residence at Mobille He purchased a House and Lot of Mr. Cheslyn, also a small piece of Ground near Mr. Crows Tavern on which is a small build'g and being desirous of his Title being confirmed to the said Lots and premises—Therefore prays that the same may be granted to him.—"

Resolved—That on Condition &c. that same is granted.

Read the Petition John Maitland Sett'g forth "That he has been long Resident in the Province & obtained no Grant of Land —that at present he has but one Negroe, but intends on his return from England to bring out the number of Persons required to entitle him to the Tract for which he now Petitions and being desirous to Settle on the Mississippi Prays for 500 Acres where Vacant, which he engages to improve.—"

Resolved—That the same is Granted on his Arrival from England.—

Read the Petition Robert Farmar Sett'g forth "That he is desirous of settling & Improving One thousand acres of Land on

Brier Creek, near the River Tiensa, and also One thousand acres on the Creek Shavebaughs which empties itself into the said River—Therefore pray'g that the said 2000 acres may be granted him situated as aforesaid—hav'g a Wife, two children, 16 Negroes & 3 Hirelings.—"

Resolved That on Condition &c. and that he do pay 5 S for every 50 acres being 750 over his Family right that 2000 acres is granted in the sd. different Tracts—

Read the Petition, Nath: Cotton Sett'g forth "That he was Chaplain of his Majesty's Ship Princess Amelia, at the sieges of Louisbourg and Quebec, and reduced on the peace. Therefore prays for a Grant of 2000 Acres of Land on the East & West sides of the River Alabama agreable to his Majesty's procla-ma'on the land to be next the Land petitioned for by Mr. Wegg.—"

Resolved—That the same be granted,

Read the Petition John Stephenson Sett'g forth "That he has been five years in the province and never obtain'd a Grant of any Land, that he has only three in family but intends on his arrival in England to send some Family's out to this Province, and being desirous of Cultivating a Tract of Land on the Missis-sippi—Prays for 1000 acres where Vacant, which he engages to improve.—"

Resolved That the same is granted on his arrival—

Read the Petition Valens Stephen Comyn s'g forth "That he has been an Inhabitant in this Province since the year 1765. That he has made considerable Improvements in the Town of Pensacola & on a Tract of 300 Acres of Land granted to him in the Bay of Pensacola, which Land he finds to be mostly barren—That his Family consists of 6 White Persons and Seventeen Negroes—And being desirous to improve a large Tract on the Mississippi Prays for 3000 acres near the Natchez or where Vacant which he engages to Cultivate & settle.—"

Resolved That on Condition &c. and that he pay 5 S for every 50 acres being 1000 over his Family right That 2250 Acres is granted.

His Excellency signed Grant to John Walker for 1000 acres, Mississippi.

(April 27, 1769)

West Florida:

At a Council held at His Excellency's House the 27 day of April 1769.—

Present His Excellency, His Honor Lieut Gov'or Browne, The Hon'ble Wm. Clifton, C. J., David Hodge, Alex'r Moore, Arth: Neale, Jas. Jones, Wm. Godley, Capt Junis, Esq'rs.

Patrick Innis was appointed by His Excellency one of his Majesty's Council for this Province, who took the State Oaths appointed by Law made and Subscribed the Test & also took the Oath of a Councellor.—

His Excellency signed in Council the New Commission of the Peace.—The Justices therein mentioned is as follows—

Montfort Browne	Alexander Moore	Members of the Council, as also all others for the time being.—
William Clifton, C. J.	Arth. Neale	
Elias Durnford	James Jones	
Jacob Blackwell	William Godley	
David Hodge	Pat'k Innis	
Edm'd Rush Wegg	Mich'l Grant	Rich'd Nugent
Atty's General	.....	Valens Step'n Comyn
Frans. Poussett	George Gauld	Dougald Campbell
Daniel Ward	John McIntosh	John Allen Martin
Henry Lizars	Alex'r McIntosh	Joseph Garrow
Robert Farmar	John Bradley	David Waugh
Edward Clifton	Henry Fairchild	Arth: Strother
John Lorrimer	Nath: Cotton	George Urguhart
Benj'n Ward	William Gordon	William Marshall
John McGillivray	John Campbell	Lionel Beecher Westrop

Of whom the following to be of the Quorum—

Montfort Browne	Wm. Godley	Benj'n Ward
Wm. Clifton	Patk: Innis	George Gauld
Elias Durnford	Jacob Blackwell	Robert Farmar
David Hodge	E. R. Wegg	Ed'd Crofton
Alex'r Moore	Frans. Poussett	John Allen Martin
Arth. Neale	Daniel Ward	
James Jones	Henry Lizars	

And then His Excellency and the Council went upon the Enquiry requested by his Honor, Lieut Governor Browne, into the Charge which Mr. Thomas Bowker had brought against him.—

His Honor laid before the Board the Acc't of Indian Contingences & Acc't of Provincial Contingences from the 1st. Jan'ry 1767 to the first of July 1768.—

The Council Adjourned until tomorrow Morning 10 o'Clock.—

(April 28, 1769)

West Florida:

At a Council held at His Excellency's House the 28th. April 1769.—

Present His Excellency, His Honor the Lieut Governor, The Hon'ble Wm. Clifton C. J., Elias Durnford, David Hodge, Alex'r Moore, Arth: Neale, James Jones, William Godley, Pat'k Innis, Esq'rs.

His Excellency signed in Council the Proclamation requiring all Persons Claiming any Titles to Lands granted by his most Catholic Majesty in this Province before the Treaty of Peace, to Register the same in the Secretary's Office.—

As also the Proclamation for the French Inhabitants or Persons claiming Lands under French Titles in this Province to Register their Grants or Title Deeds in the Secretary's Office aforesaid.—

The Governor in Council then went upon the Continuation of the Enquiry requested by his Honor Montfort Browne Esq'r.

(May 3, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the third day of May 1769.—

Present His Honor Montfort Browne Esq'r Lieut Governor, The Hon'ble Wm. Clifton C. J., Elias Durnford, David Hodge, Alex'r Moore, Arth: Neale, James Jones & Pat'k Innis, Esquires.

His Honor acquainted the Council that in Consequence of the sudden Death of his Excellency Gov'r Elliot Yesterday Morn-

ing that the administration of Government did devolve upon him agreable to his Majesty's Comm'on to him as Lieut Governor & the Commission of his late Excellency And that He thought it would be proper his Comm'on should be again read in Council. The same was read Accordingly & His Honor Resumed the Governm't.

His Honor desired the opinion of the Council wither it would not be proper that the provincial arms which had been so long sent out for the Use of the Province should be distributed among the Inhabitants with 24 rounds of Ammunition in Case of necessity, the Ordinance storekeeper taking Receipts for the same.—

The Council were of opinion That such a measure would be very proper.

Ordered That the Clerk of the Council do make advertisement for the Information of the Inhabitants.

(May 4, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 4 day of May 1769.—

Present His Honor Montfort Browne Esq'r, The Hon'ble Will'm Clifton C. J., David Hodge, Alex'r Moore, Arth: Neale & James Jones, Esq'rs.

A Representation of the Principal Inhabitants of Pensacola having been presented to the Board signifying their extreme Concern at the sudden and unexpected Death of His Excellency Governor Eliot and their great uneasiness and disatisfaction at the Government being resumed by the Lieutenant Governor from their disapprobation of his former Administration. His Honor by the Advice & at the consent desire & request of the Council present was pleased to declare to them that in order to satisfy the minds of the people it was his intention not only to take their advice in all future Acts of Government but particularly in the Application of the Monies provided by the Crown for the Contingences thereof and the distribution of Indian presents neither of which should be appropriated or disposed of without the Advice & Consent of a Majority of this Board—

His honor acquainted the Board that he had rec'd from Madge the late Governor's private Secretary in presence of the

Chief Justice, Mr. Durnford, Mr. Jones & Mr. Moore Copies of the late Governor's Commissions, the original Instructions from his Majesty,—together with the Great seal of the Province as also the Publick Letters & papers which the late Governor before rec'd from the Lieut: Governor.

Mr. Neale acquainted the board for their Considera'on that the man at Mobile who has the Keys and Care of the Ordinance Stores will not take charge of them any longer without being paid for his trouble, and that he had no money for this Service nor could draw for any.

His Honor desired a meeting of the Council tomorrow morning at 10 o'Clock when he would lay some accts. before them for their Consideration; what Debts are due from the Contingences, what alterations it will be proper to make in the present establishment & to regulate the Sallaries &c. He would also lay before them an account of all the Issues that has been from the Indian Presents from his first administration, as also an Acct. of the stores at this time.—

His Honor recommended to the Gentlemen of the Council to go through & to give their opinion upon the inquirry he had requested of the late Governor in Council.

Ordered—That Daniel Sticky Commissary of Indian Stores do lay before this board at 10 o'Clock tomorrow morning an acct. of all the Issues he has made as also an Inventory of the Indian presents now in the Store & an acct. of the whole from the beginning to this day.—

His Honor acquainted the Board that he had ordered the Interpreter to bring some Indians to the Council Chamber this morning to relate Circumstances of an Engagement there had been between the Choctaws and Creeks at Mobile—as the said Indians report—also concern'g the firing upon them from the Fort as they have declared.—

The Indians having come accordingly gave the following account—

"That about five days ago they with a large party landed at Mobille under the Fort, that at about three o'Clock there came a great body of Choctaws to the place on which an engagement insued with the Fire of the Fort & Choctaws together. The Creeks were obliged to get away in the best manner they could, that

they had several of their people killed and wounded, that they are much Scattered and cannot ascertain the number killed or missing. They came as Friends to be forwarded on the way to their Nation, They being runners to carry the news.

His Honor told them in Council That he was very sorry to hear they had lost so many of their People. That it is impossible if any of our people could have fired with the Choctaws to kill them that we never had any intention to break the peace with them, but always to regard them as Brothers. That their being at War with the Choctaws and meeting with them at the Town of Mobille might have occasioned the Officer at the Fort to Fire some powder to Call the White people into the Fort for fear some of them might be killed in the engagem't between the Choctaws & Creeks. That as they were going to the Nation, they were desired not to misrepresent things to put any of their people upon doing any rash action upon any white people in their Nation, but to wait till we know how the Affair has happened, which we will inform them of truly, & they know we never tell lies.

The Council were of Opinion with his Honor that the Clerk should write a Letter by these Indians to James Germany an Indian Trader in the Creek Nation, (or in his absence to any Traders) acquainting them of the above affair, and of the Talk which had been given to the Indians, desiring Mr. Germany to communicate the same in the Creek Nation, telling them also there must be some mistake in this report, but that he would enquire into the Truth of the matter.

(May 6, 1769)

West Florida:

At a meeting of the Council, held in the Council Chamber at Pensacola the 6 day of May 1769—

Present His Honorable Lt. Governor, Wm. Clifton C. J., Elias Durnford, David Hodge, Alex'r Moore, Arth: Neale, James Jones, Will'm Godley, Patk: Innis.

Read the Petition Jer: Terry setting forth "That as it has appeared that the Reserve made of 460 acres out of the Grant of Land at the Red Cliffs is proper to be kept for his Majesty's Service—Therefore prays for the Use of the said Reserve Land untill his Majesty's service shall require it, & that it be included in his Grant upon this Condition."

Resolved—That the said Reserved land cannot be Inserted in the Grant on any Condition, but that Mr. Terry is permitted to Use & occupy the Land provided he Cuts no Timber or Firewood that may be upon it.

Read the 2d. Petition Jer: Terry sett'g forth "That he has had the several Tracts of Land following granted to him—4050 acres at the Red Cliffs as a reduced Officer; 1050 do. Bay of Mobille; 100 near the Town of Mobille; 2500 at the River Yausowe for his German families.—

That to entitle himself to sd. Lands he did bring to the province 50 Germans and at different times 20 Negroes. That he has expended great sums of Money in improving & Cultivating the sd. Grounds, the greatest part of which has proved barren & an entire loss to him. That he was in partnership with two Gentlemen in Carolina who were interested in the sd. Lands which upon settlem't of their Affairs remain as the property of the Gentlemen above mention'd. That he is not apparent possessed in his own right of any Land in this province.

"Therefore he prays for a grant of 1000 acres where Vacant near the Ibberville to which place he intends to remove & settle —the great expense he has been at to Cultivate the Lands mention'd in the Pet'on (tho' without success) He hopes will induce the Hon'ble Board to Grant him his request."

Resolved That on Condition &c. & that he pay 5 S. for every 50 acres—That 1000 acres is Granted.

Read the Peti'on Garland & Jas. Terry, sett'g forth "That they have had granted them in this province the Island near Lake Pontchairtrain called the Cokeal, but finding the said Island unfit for Cultivation—

"Therefore pray for a Grant to each of them of one thousand acres in lieu thereof, on the River Mississippi, adjoining to Land Petition'd for by Jeremiah Terry, & that they be permitted to Relinquish the said Island."

Resolved That said Petition be rejected untill they arrive in the Province.—

His Honor laid before the Board the following Letter & Petitions from New-Orleans, and desired the opinion of the Council thereon—

Translation of the Letter—"New-Orleans the 21st. April 1769—

If your goodness will grant my request in favour of the several Petitions inclosed, for myself and other Persons therein mentioned, who are all my relations, who will follow me, and who have not had any part in the Revolutions of this place, I hope there will be a great number who will also join in the same Settlement & that before long we shall form no Inconsiderable Colonie. I must first promise, Sir, that I have been informed that the Lands for which we Petition has been sold to Mr. LeConte, by Messrs. Bruce Duplanty & Brazillier, neither at this time or since, has the said LeConte made any establishment of improvement, or done any one thing to acquire a right of Possession, either by Building inclosures, putting Cattle thereon, or taken any Step whatsoever to settle the same. In Consequence the said Lands must revert to the Crown at the end of a year and a day after the same had been abandoned.

We shall fix ourselves Close to each other to the end that we May be able to give mutual assistance. Mr. Chapiron may have about sixty Slaves; Mr. Arlee 20, Mr. Bonne has many, Mr. Carriere 6 and myself Eleven.

We shall wait Sir the Honor of your Answer, praying you to believe us with the most perfect Respect,

Sir Your most obed't & most humble servant,

Broutin for himself & Messrs. Carriere,
Chapiron, Arlee and Bonne.

To the Hon'ble Montfort Browne Esq'r.

The Petitions are all of the same Tenor One from Albert Bonne for himself and Family praying for 2000 acres on the Bay of St. Louis.

One from Stephen Arlee for 2000 do.

One from James Chapiron praying for 2000 do.

One from André Carriere—2000 do.

Frans. Broutin—4000 do.

Setting forth that the hope for the Protection of His Britannik Majesty & to be equally favoured & maintained in peacefull enjoyment of their Establishment, to have the same Rights, ex-

emptions & privileges as the Rest of His Majesty's other Subjects possess—Representing that they are going to form a young Colonie, they flatter themselves they will meet with the same indulgences as have been granted Among the French to the Inhabitants of Louisiana, & which are always shown to New Colonies, that is to say exempted from Quartering Troops, from paying any Duties either upon Slaves, Cattle, Lands, Houses, or other Effects whatsoever, & that the Grant of their Lands shall be delivered to them gratis.—

After mature Consideration the Council were of opinion that the Granting of Lands to the French (now Spanish Subjects) of New-Orleans should be postponed untill his Majesty's pleasure should be known and that Copies of the said Letters & Petitions be transmitted to the Minister of State for the American department.

His Honor then laid before the Board Several Accounts relative to the Debts due from the Contingent Money, an estimate of the sallaries &c. & how the province stood with the Agent—all which he requested the Gentlemen of the Council would examine and make such alterations in Respect to the present establishm't as they should think proper.

His Honor desired they would proceed to some determination on the enquiry which had been begun at his request before the Death of Governor Eliot.

(May 9, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 9 May 1769—

Present His Honor, The Hon'ble William Clifton C. J., Elias Durnford, David Hodge, Alex'r Moore, Arth: Neale, William Godley, Patk. Innis, Esq'rs.

Read the following Letter from the Wolfe King, which His Honor laid before the Board.

"I take this opportunity of writing to your Honor, as it is not in my power to come and see your Honor as Usual by reason of this Choctaw War. I have not forgot the days I had the pleasure of talking with you all in Charleston, Savannah, and Pensacola, and altho' I am Old I am still the same Man as formerly holding

the English by the hand & shall endeavour to get all under me of the same mind. I should be extremely obliged to you to send to the Choctaws & see if they will make a peace with us. I have sent down two Horses with my Friend James Gray for some small things which I am very much in need of, Hoping your Honor will send them for I am old and not able to hunt as usual so that I am very poor for the following articles 4 Caggs Rum, 2 Baggs salt, 1 Cagg powder & 1 of Sugar, some duffle & strand Blankets, 2 or 3 Shirts, 2 or 3 Hhfs. and a little silver Ware & some Coffee. I have sent down my Commission to you to look at. I hope you will be pleased to send the above articles.

I am, honored Sir Your sincere Friend

Wolf King.

The Bearer James Gray being gone to Mobille the Consideration of the above Letter was postponed untill his return.—

The Accounts of Repairs for the Government House since Governor Eliots arrival amounting to £144..18..5p. Ster'g where Audited & His Honor to draw bills for the same.

Read the Petition John Simpson Setting forth—

"That he has been Indian Interpreter at Pensacola since 1 July 1768 for which he was to be allowed one dollar a day & one Ration. That on the first day of November he had a Commission from his honor Montfort Browne Esq'r from which time His Honor told him he was to have the allowance of 5 S. Sterling a day & two Rations. That the allowance for Interpreters the Gov'r said was to be paid by him for the future, as Mr. Stuart had nothing to do with the Sallary's But what was due to Him before the said 1st. of November he was to Settle with Mr. Stuart since the said first of November, which is now six months he has received no pay & only 170 Rations out of 362. That the former Interpreter had also allowed him a House to live in which the Petitioner was given to hope would be Continued to him. He has this day applied for payment to his Honor who has directed him to lay the same before him in Council.

Therefore prays that the Council will take the premises into Consideration & to Grant him payment of the said Sallary & Rations, with such allowance for House Rent as shall be thought Meet.

The Board were of opinion the Rations due to him Should be now given him, but that the payment of his Sallary and allowance for House Rent should be postponed untill Mr. Stuarts Arrival who is daily expected.

Mr. Durnford acquainted His Honor in Council that He had His Majesty's leave of absence, but which he had not thought of putting in his pocket as His Honor was before acquainted with it with permission of His honor He said He proposed going to England in Mr. Comyns's Brig.

(May 17, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 17 May 1769—

Present His Honor, The Hon'ble Wm. Clifton C. J., David Hodge, Alexander Moore, William Godley, Esq'rs.

Mr. Vokes (the late provost Marshall's) bill was laid before the Board to be audited.—

The Clerk presented the writs of Election w'h had been returned by the provost Marshall According to the Tenor thereof by which it appeared that—

Mr. George Gauld Mr. George Urguhart Mr. David Waugh Mrs. V. S. Comyn Mr. James Ross Mr. Wm. Marshall Mr. Geo: Browne & Mr. Arth: Gordon	Were duly elected Representatives for Pensacola
Mr. Dan'l Ward Mr. Benj'n Ward Mr. Henry Lizars Mr. Alex'r McIntosh Mr. E. R. Wegg Maj'r Robt. Farmar Mr. John Lorrimer & Richard Carpenter	For Mobille
Mr. John Falconer Mr. Walter Hood & David Ross	For Campbelle Town The Two first Double Return

The Wolfe King's Letter was again read in Council and a list was made out of such Presents to be sent him as his Honor has agreed upon in Council.—

The Governor mentioned that he had ordered two days provision to be given to 12 Indians.

Mr. Clird's Acct. for Rent of the Old Court House was laid before the Board and Audited amount pr. 323..7½. The article of 17 dollars Rejected bills to be drawn for said sum.

(May 20, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 20 day of May 1769.—

Present His Honor, The Hon'ble Wm. Clifton C. J., David Hodge, Alex'r Moore, Arth. Neale, Wm. Godley, Edward Crofton, Esq'rs.

The Minutes of Council from the 4 Instant were read and approved.—

His Honor acquainted the Board that he had appointed Edward Crofton Esq'r one of the members of his Majesty's Hon'ble Council who being present took the state Oaths appointed by Law, made and subscribed the Declaration and took the Oath of a Councillor.

The Petition of John Crozier which lay before the Board for Consideration was read a second time when it was.—Resolved That the allowance of £30 mentioned in the Petition is a perquisite of the Dep'y provost Marshall for Attending Elections and Summoning Juries and the patentee has no right to any part thereof unless in the Province.—

That other matters set forth in the Petition to remain for further Consideration.—

(June 5, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 5th. June 1769.—

Present His Honor, The Hon'ble Wm. Clifton, C. J., David Hodge, Alex'r Moore, Will'm Godley, Edw'd Crofton, Esquires.

His Honor laid before the Board the many Representa'ons which had been made to him respecting the Conduct of the Indian Traders, Their Breach of the Conditions of their Bonds and of the regulations in their Licence—The Carrying up large quantity's of Rum into the Indian Country and many other disorderly practices which may prove productive of many fatal Consequences if some Method be not Speedily taken to prevent them in future, and as the General Assembly were now sitting His Honor thought no Time could be more proper than the present to lay this matter before them for their Consideration. His Honor further said that there had been a Custom here at the taking out of every new License for the principal such as Mr. McGilvray, Ward, McIntosh &c. to give Security for the diff't Indian Traders, without putt'g them severly to the Inconvenience of Coming from the Indian Nations to join in the Bond. That now advantage is taken of this Indulgence, & many plead in defence of the Breach of the Regulations of the Indian Trade, that As not being a party to the Bond, they are not obliged to abide by the said Regulations—His Honor therefore requested the Opinion of the Board wither it w'd not be proper in future to Oblige the separate Indian Traders to Come to Pensacola for their Licences.

The Council were of Opinion that the Considerations of the Laws & regulations necessary to be made Respecting Indian Affairs and the Trade Carry'd on with them in their Nations, is of so important and nice a Nature that much time and information is required before any measures can be fall's upon to put the sd. matter into a proper Channell—And that at this time it is Impracticable—But that it woud undoubtedly be proper to oblige every Indian Trader, for many Considerations to come to Pensacola to take out their Licence & be a part of the Bond,—at which time if there was any thing that could be alledged against them, their Conduct might be inquired into.—

His Honor laid before the Board a Letter from Mr. Lagautray sett'g forth a Number of Inhabitants from New-Orleans had come to settle near him on the River Accperle & that many more had an Intention to remove to the same place & desiring to know what encouragement His Honor would be pleased to give to their Settlement.

His Honor & Council were of opinion that this matter should be left for Instructions from the Government, wither if the

French being Roman Catholics And becomming English subjects by taking the Oath of Allegiance, Should be entitled to the same Quantity of Lands according to their Family rights that His Majesty by His proclamation has granted to his other Subjects.

Read the Petition John Simpson setting forth—

"That he is Indian Interpreter, first appointed by Charles Stuart Esq'r & since Continued by His Honor. That he has been employed upward of one year & has Contracted a debt of more than one hundred Dollars for removal of his Family to this Place, that himself & them have been much afflicted with sickness which have run him greatly in Debt.

Therefore praying that His Honor in Council will order him payen of this years Sallary & Such allowances for House Rent as shall be thought proper—He has a large & sickly Family.—"

Provided That for the present he be paid his Sallary for 6 Months Commencing from the first Nov'r last, out of the Indian Contingences.—

Read the Petition of Alex'r McPherson Setting forth—

"That upon his being appointed to the Several Offices which he holds in this Province he put himself to a Considerable expense in bringing out his Family, not doubting but the profits of the said Offices woud be sufficient to support him.—But in this He had found himself mistaken, and after Eleven Months attendance on the Duties thereof is considerably behind hand.—

In the Court of Admiralty in which he presides as delegate, there is no business, nor appearance of any, neither is there any Sallary allowed from home for the support of the Dignity of that Office either to him or His Constituent.

That the present Situation of the Province presents a very gloomy prospect to the petitioner in the means of his Support, the Court of please on which his whole dependence has been, had very few Cases tryed last Court & to all appearance there will be less in the ensuing.

That he is informed George Johnstone Esq'r when Governor of this province, appointed Thomas Hardy, to be Clerk of the Court of Request and Clerk of the Crown & pleas, to the Latter he gave the Sum of Thirty Pounds & to the former Twenty pounds. That when the said Governor Suspended the Chief Justice, Mr. Hardy refused Acting as Clerk of the Pleas, asserting that it was

impossible for him to execute that office together with the office of Clerk to the Assembly, Clerk of the Crown & Court of Requests, without the assistance of a Clerk, which must cost him at least Sixty pounds a year, and that the fees of the Clerk of the pleas were not Adequate to that Sum—upon Mr. Hardy's making the above objection, the Governor sent for him & recapitulating the sallaries which Mr. Hardy had as Clerk of the Crown and Clerk of the Court of Requests ask'd Mr. Hardy wither Ten pounds a year woud not Content him, which with the Sallaries of the Office of Clerk of the Crown and requests amounted to the sum he said he would pay a Clerk. Mr. Hardy accepted the Offer fearing if he did not he might have the other offices taken from him.

Here the Petitioner begs leave to observe that Mr. Hardy, as Clerk of the Assembly, Crown, Pleas, and Court of Requests had a Sallary of One hundred and thirty pounds a year, exclusive of the Fees of those offices, w. at that time were pretty Considerable. And on Account of the few attorneies that were in the Province was admitted an Attorney of the Court in which Capacity his Business has been equal to any other of the Attornies.

From all which it appears that Mr. Hardy had little Dependence upon the Sallary allowed him as Clerk of the Crown and Pleas and particularly as the business has been pretty Considerable, untill the April Court 1768, Since which time it has greatly declined.

Therefore praying His Honor to take the petition into Consideration & to Grant him such relief as Shall seem meet."

Resolved that he be allowed from the Time he took Possession of the Office £30 pr. ann. as Clerk of the Crown & £20 pr. ann. as Clerk of the Pleas.

(June 6, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 6 day of June 1769.—

Present His Honor, The Hon'ble Wm. Clifton C. J., David Hodge, Alex'r Moore, Arth: Neale, James Jones, William Godley, Capt Crofton, Esq'rs.

Read the petition Frans. Guerine Sett'g forth—

"That he is desirous of obtaining a Tract of Land in this province for Cultivation and proposes by the first Opportunity to bring fifty Negroes from Carolina to Settle a Plant'on. Therefore praying for a Grant of 3000 Acres, where Vacant, as he proposes to Chuse a spot for himself which he engages to improve.—"

Resolved—That the Land be Reserved for Twelve months. The Warrant of Survey to Issue but no Grant to pass untill the Negroes Arrive.—

Read the Petition David Taitt sett'g forth—

"That he has had granted to him in his Own name One thousand Acres of Land on the River Perdido, and being Concerned with another Person in a Saw Mill erected thereon. Therefore prays that the warrant of survey may be made out in the names of David Taitt and Edward Mease.—"

Resolved—That the same is Granted.

Read the Petition, V. S. Comyn sett'g forth "That a short time ago he had Granted to him 2250 Acres of Land where Vacant on the Mississippi, & having given directions to the Surveyor General to Run out the said Land on the River Amit near the Ibberville, the Surveyor said he Could not unless the Warrant of Survey was altered. Therefore praying for a new Warrant Survey Granting him the said Land on the Amitt & Ibberville joining on Land Petitioned for by Jer: Terry.—"

Resolved That the Same is Granted.

Read the Petition Benj'n Ward "Sett'g forth That in the Month of Feb'ry 1768, He had Granted him 2000 Acres of Land on the River Mississipi as a provincial Officer.

That during his Absence from the Province the Land was Surveyed and a Grant was made out, and signed, in the same manner as the Common Grants are done—to the Great Injury of the Petitioner, as he thereby looses the Indulgence allowed by His Majesty—Therefore that the said Grant may be Cancelled, & Such other Relief granted him as Shall Seem meet."

Postponed untill next Sitting of Council for searching the necessary Books for further Informa'on.

Read the Petition of David Waugh, sett'g forth "That he never had any Land Granted to him in this Province. That he has been long time a Resident & made many Improvements in and ab't Pensacola & is now Carry. on a Brickary near the said Town. That he has seven Negroes & 8 wh't People & has sent to Virginia for a number of Families which he shortly expects & being desirous of a Tract of Land for Cultivation. Therefore prays for 2000 Acres where Vacant on the River Mississippi, which if granted he engages to improve.—"

Resolved—That on Condition &c. 1850 Acres is granted And that he pay 5 S for every Fifty Acres above his Family right being 1000.—

Read the Petition John Clark sett'g forth—"That he is desirous of Improving a Tract of Land on the River Mississippi."

Ordered the Clerk of the Council do write him a Letter signifying that himself and the Family he mentions shall have their Family rights at the place fixed on when they arrive, but that the River of Mobile be recommended to him.—

Read the Petition of John Leonard sett'g forth "That he is desirous of Cultivat'g Tract of Land on the River Mississippi—Therefore praying for 1000 Acres where Vacant, hav'g in Family a Wife, Two Children, four White Servants & Ten Slaves."

Resolved that the same will be Granted when he can prove on Oath & sale the Negroes to be his property.—

Read the Petition Frans. Poussett, setting forth "That in the year 1767, he had Granted to him 500 acres of Land at Monehague for which he took out the Warrant of Survey & delivered it to the Surveyor, but by a mistake of Mr. Fairchild's the Land was not Surveyed according to the directions of your Petitioner, The Time for the Return of the Warr't being long expired —Therefore praying for an order for a new Warrant Survey & that the said 500 Acres be located at the Fork of Ibbeville & Amitt."

Ordered That the same be Granted.

Read the Petition John Miller & Peter Swanson Setting forth "That they are desirous of obtaining a Tract of Land for Cultivation That they have not any grant yet in this Province, & that if they can obtain a Tract of Land will immediately purchase 20

Negroes. Therefore praying for 3000 Acres where Vacant on the River of Mobile—w'ch they will immediately settle & improve.—"

Resolved That 2200 acres be reserved for 12 m'ths.—Warrant of Survey to Issue but no Grant to pass untill they procure the Negroes and that they do pay 5 S. for every 50 acres being 1000 over their Family Rights.

Read the Petition of Pat. Morgan "That he is Attorney for Messrs. Manuel Josephson and Daniel Clark. That at the Time of the said Manuel Josephson's departure from this Province he left an Account in the hands of the Petitioner against the Government to the amount of 30 dollars, being for the Rent of a House to hold the January Court appeals in, for the year 1767, which amount has not yet been discharged. That Daniel Clark also left with the Petitioner two Accts. against the Government, Certify'd by the Hon'ble William Clifton Esq'r amounting to one hundred and Twelve Dollars which acct. were laid before His Honor and Council ab't four months ago at which time the Petitioner was informed that his Honor had then no money of the Governments in his hands, but when he had he would discharge said Account. That the Petitioner hath since often applyed for payment, which has never been received. That the Petitioner about Two months ago Received in payment of a Debt a Set of bills drawn by his Honor in Favour of Frans. Poussett with three Certificates signed by His Honor the Chief Justice for upwards of 80 dollars, being for Services of the very same Nature as them done by Daniel Clark, that since his Departure from the province. Therefore prays the premises may be taken into Considera'on & such Relief Granted as shall seem meet."

Resolved That the first Voucher for 30 dollars being for services done in Governor Johnstone's time refused by His Honor to be paid. The other Accounts to be paid when his Honor is in Cash.

The Account of Campbell Vokes late Deputy Provost Marshall from 24 Oct'r 1768 to the 8 Ap'l 1769, was audited & £95.. 12..1 Ster'g Allowed & bills to be drawn for the Same.—

Mr. Neale requested leave of absence of his Honor to go to England on very Urgent Affairs, which His Honor was pleased to Grant.

His Honor signed Grant to Thomas Gregory for Lot 152, Town of Pensacola:

(June 10, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 10 day of June 1769.

Present His Honor, The Hon'ble William Clifton C. J., David Hodge, Alexander Moore, William Godley, Captain Innis, Capt Crofton, Esq'rs.

His Honor presented to the Board the following Letter from Capt. Philips and desired the opinion of the Board thereon—

Trayal Pensacola 9th. June 1769

Sirs, "Having Several points of Duty recommended to me in a particular manner by rear Admiral Parry, neither of which I have yet been able to carry into execution by reason of the Apprehension the province has been Sometime under on Account of the Indians and in Consequence also of your Letter to me dated the 14 Ultimo requesting me to postpone the sailing of His Majesty's Sloop Jamaica.

But as I am obliged to write to the Admiral by the Vessell which sails tomorrow and under an Indispensable necessity of giving very Sufficient Reasons why his Commands have not been Complyed with, I am therefore to beg the favour of your Opinion in Council (if you will indulge me so far) whether I may venture to send either of his majesty's ships upon the different services recommended to me, or wither the situation of Affairs in respect to the Indians still require the Kings ships to remain upon the Spot. I am with great regard

Sir, Your most Obd't Humble Servant."

Lt. Gov'r Browne. Signed William Philipps

After the above Letter was read His Honor said That the Occasion of his writing the Letter to Captain Philipps mentioned in the foregoing was the reports we had from Mobile at the time of the engagement between the Choctaws & Creeks.

The Council were of opinion w'th his Honor that the present Condition of the Province Respecting our Situation with the Indians did not make it necessary that both of His majesty's Ships should be prevented from being sent upon any Duty His Majesty's Service should require.—

His Honor laid before the Board the following Letter from the Indian Interpreter at the Natchez.—

"Fort Panmure, Natchez 10 May 1769.—

Sir, According to my Duty I take the first opportunity to acquaint you, that three Chiefs, one Captain and Twenty four Warriors of the Arkansa's arrived here the 5 Instant and three days after made Peace with the most Considerable of the Characters that could be found near this place.—

I received at same time two Letters from Mr. Fairchild, by the second he ordered me in a threatining manner to repair with all the Arkansa's immediately to his House to make peace with four Choctaws then there. These it is certain were young men of no Consequence & so frightened that Mr. Fairchild nor his People could retain them. They fled to the Woods and concealed themselves. At same Instant I rec'd this last Letter the only Considerable Person, i e those who could properly settle their differences enter'd the Fort & began their Talk. The Arkansa's had before refused to Conclude the peaec elswhere & stop And these Choctaws (whom we sought after and brought them from their Camps for that purpose) concurring with them I immediately wrote in answer to Mr. Fairchild that I knew not by what authority he could order me to his House seeing that the Indians had been always accustomed to hear and give Talks in the Fort. Had I followed Mr. Fairchilds Orders it might have been of bad Consequence, they being apprehensive of each other, mischief might have happened on the Way, Whereas the Fort & the People Mr. Hayton Caused to be assembled and armed, Commanded some Respect. Mr. Fairchild seeks only his own Interest in their Trade, but it is my Duty to Consult the Honor of the King and the Advantage of this Establishment.

"You are sensible, Sir, that the deceased Capt Rhea, & since that Mr. Lovell did promise the Arkansa's Presents at different times for 3 years past & they now really expected something Considerable and as a War between them and the Choctaws might very much hurt the Setlers here it was absolutely necessary to Pacify & Content a Nation so respectable more especially as the Commandant for the Spaniards at the Ark Fort (Le Chev'r De Clouet) had given them bad Talks saying the English poysoned their Goods to kill the Indians &c for these Reasons I took the

Liberty to represent to Mr. Hayton the whole affair intreating him to furnish some Goods for presents which he readily Complyed with agreeable to the inclosed Account without any Interested Vinds only requiring the same may be Returned him in kind.

I have had the pleasure for the present time to Satisfy them with little but they expect more Considerable presents soon.

They went away yesterday extremely well satisfied saying they would always hold the English fast by the hand & desired me to make peace for them with the Tonicas, who were afraid to hunt up the River as having lately lost a man among the French whom without foundation they believed had been killed by the Arkansa's.

I finished the talk with the strongest Injunctions which I never fail to give the Indians upon every Occasion to live in Peace with all White people. I have nothing further to trouble you with, but that I have the honor to be with the greatest Respect &c."

Signed Henri Lefler (Henry Lefleur)
Kings Interpreter for the Indian Language.

Account of Sundrys given to the Arkansa Indians by desire of Mr. Henry Lefleur Kings Interpreter for Fort Panmure 8 May 1769.—

To Indian Trading Guns. 10 lb. Gun Powder.
25 lb. Ball . . . 4 Check'd Shirts
6 prond Breach Clouts . . . 1 lb. Vermillion
1 lb. Vermillion . . . 3 Tinselltaud Hats
4 Keggs Taffia . . . 8 Bottles Wine
3 Small looking Glasses. 4 pair Sissors
40 Gun Flints . . . 1½ Beads
5 Quartes Salt . . . 2 Barrels Indian Corn
2 lb. Brass Wire. . . 8 Knives
3¾ Ells Strand & 1 piece Gartering.

His Honor acquainted the Board that there is 7 Talapous Indians in Town & thought it would be proper to give them three Days Provisions.— they want some other trifles and to be put over the Bay.

John Simpson the Indian Interpreter's Petition was taken into Consideration respecting an allowance for House Rent when

it was resolved That £10 Ster'g pr ann. be added to his Sallary from this day to be paid out of Indian Contingences.—

Capt Innis laid an Estimate before the Gov'r in Council, of Lt. Downman's, Commanding the Artillery for 180 yds of Flannell required to make 1200 Cartridges for 3 and 6 pound Grape & Round Shot, & 6 Reams of Muskett & Cartrige Paper, which is wanting for the Artillery in case of Necessity and which the Ordinance Store Keeper said he could not draw for as his bills had been protested. Whereupon it was the opinion of the Board that above should be furnished for his Majesty's service & for which His Honor would draw upon the Treasury.—

Capt: Innis laid the following Letter from Lieut Nugent Commanding the Garrison at Mobille, before His Honor in Council.

"Mobile 26 May 1769.

Sir, I return you my sincere thanks for your early Information. The Board of Ordinance is pleased to mention in their Letter my having ordered Gunner Archibald to purchase Paper, oyl &c. now in the article of paper there must certainly be a mistake as this man wrote to Pensacola to be supplied with one Quire of fine paper proper for forming musket Cartridges & never went to a private Store for any such thing. When I saw the provincial arms almost destroyed by rust, He then received my orders to purchase 2 lb. Candles (the expense of which amounted to 5 oz) to be used for their preservation. But for the future your Instructions relative to this Affair shall be strictly adhered to.

You have undoubtedly heard of the Outrages Committed by the savages in the Neighbourhood of Mobille, in Fact they have Commenced Hostilities & are Carrying on a Depredatory War. But they have not murder'd any of our People.

Sixty men of the Garrison of the Illinois perished during the last Seson by a putrid Fever & the menaces of the Northern Indians augment their Miseries a Kickapoo was daring as to kill a Soldier & his Wife in the Town immediately under Fire of the Fort—this obliged the Commanding officer to offer a Reward of £15 to any person who will bring the Scalp of an Indian dis-

covered after Sunset about the Environs of the Fort. Observe he makes no distinction between Nations.

I have the Honor to be &c—"

Signed Rich'd Nugent
Lt. 31 Regiment.

The Letter refer'd to in the foregoing is as follows—

Office Ordnance Pensacola 15 May 1769

"Sir, We are to acquaint you that one Archibald of the Royal Artillery who was ordered by Brigadier General Haldimand to take Care of Ordinance Stores at Fort Chalotte in Mobile Informs us that he has bought Paper, Oyl, &c. by order of the Commanding Officer in that Fort. What has been ordered and bought is certainly necessary for His Majesty's Service & the Duty of Department of this Office.—

But we beg the favour of you to Inform the Commanding Officer there Mr. Nugent that this office can supply anything purchased having had all the Bills drawn for Carrying on his Majesty's Service these two years protested & that Certainly the Military Contingencies must be Charged with such expenses as the Commanding Officer finds Necessary.

We are &c. Signed Benj'n Gower.

To Capt Innis
Comm'g at Pensacola
Arth: Neale.—

(July 4, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 4 day of July 1769.—

Present His Honor Lt. Gov'or, The Hon'ble Wm. Clifton C.J., David Hodge, Alex'r Moore, William Godley, Captain Innis, Capt Crofton, Esq'rs.

The Minutes of the last meeting of Council were read.—

Read the Petition of Ellis Vanderhorst sett'g forth—

"That he was a Captain in the Provincial Troops in the province of South Carolina & Served there during the last War. Therefore praying for 3000 acres of Land Where Vacant on the River of Mobille agreable to his Majesty's Proclamation."

Resolved That the same is Granted in Considera'on of His Intention and ability to Cultivate the said Land. But that for the future it is the Opinion of the Board that no more Lands should be Granted to Claim'g under his Majesty's proclamation, as *Provincial Officer,* untill His Majesty's pleasure shall be known respect'g the Doubt that Board is under of the said proclamation extending to such provincial Officers. His Honor said he had wrote to the Ministry on this Subject 4 m'ths ago.

Read the Petition Rob't Dalrymple sett'g forth "That he is desirous to obtain a Tract of Land in this Province for Cutiva'on. Therefore praying for 1000 acres where Vacant on the River of Mobille.—"

Resolved—That on Condition &c. 250 acres is Granted as his Family right & 250 more on payment of 5 S. for every 50 acres.

Read the Petition Wm Christy Sett'g forth "That on the 6 day of Decem'r last He obtained a Grant of Land for 200 acres on the River Missippi but having changed His Intention of Settling on that River—Therefore prays for a New Warrant Survey in lieu thereof for 200 acres on the River of Mobile where vacant.

Resolved That the Same is granted.

Read the Petition of Jer: Terry & Co. Set'g forth . . . (half a page blank at this point in the Journal) . . .

Resolved that the same be postponed for further Considera'on.

The Petition of Benj'n Ward Read the last Council was taken into Consideration.

Ordered that the same be further postponed untill the Information Respecting the Right of Provincial Officers to the benefit of the proclama'on be rec'd from the Ministry.—

Read the Petition John Crozier, Sett'g forth "That the Gaols of Pensacola are insufficient for the purposes for which they are intended.

That by reason of their being two Gaols at Pensacola, One for Debtors and the other for Criminals there is a necessity for employing two Gaolers.

That the Petitioner has laid before the Board a plan and Estimate for Building a Gaol which will answer both purposes.

That he finds there is a necessity for a Gaol at Mobile & as he has business to transact there, he Cannot appoint a Deputy untill he knows wither there is a Gaol & what allowance for a Gaoler, as he intends the Deputy Marshall to Act in both Capacities. Therefore praying the premises may be taken into Consideration &c.

Resolved the Consideration of said petition be postponed.—

Nathaniel Thompson's 2 Accts. as Door Keeper to the Gov'r in Council & Upper house of Assembly were audited the first for 21 D. B.B. to be paid by the Treasurer the other 22 Dollars to be paid by His Honor.

His Honor signed the following Grants—

	Acres	.....
To Richard Barry	50	Missippi
John Blomart	1000	do.
Bridget Collins & Mary Carmon	1000	do.
James, William & John Mitchell	1000	do.
John Falconer	500	do.
John, William & James Aird	3000	do.
David Williams	1000	do.
Patrick & Maurice Conway	400	do.
Thomas Frey	200	do.
Benjamin Gower	500	do.
William Marshall	3000	do.
Arth Gordon	1000	do.
Thomas Hardy	500	do.
William Southal	400	do.
Gilbert Hays	1000	do.
Richard & Caleb Carpenter	1000	do.
George Urguhart	500	do.

(July 6, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 6 day of July 1769.—

Present His Honor, The Hon'ble William Clifton C. J., David Hodge, Alex'r Moore, Capt. Innis, Capt: Crofton, John Campbell, Esq'rs.

The Minutes of last meeting were read.

His Honor acquainted the Board that Mr. Jones being indisposed & some Member hav'g leave of Absence he had appointed Mr. John Campbell Engineer one of his Majesty's Council, Who thereupon took the Oath appointed by Law, declared and subscribed the Test & also took the Oath of a Councillor.

The provincial Secretary laid before his Honor in Council the Application Mr. Terry had made to him for His Grant of Land at the Red Cliffs. But looking over the Minutes of Council he could only find 2000 Acres Granted to Mr. Terry (in place of 4050) as a Reduced Officer. That the Warrant of Survey also mentioned no more than 2000 Acres, which was to Run from the Head of Coxe's Lagoon in a Line to the Lagoon near the Mouth of this Harbour *including all the Land within the said Space.* That the said Land has been Surveyed & a Plat and Certificate thereof rendered contain'g the number of 4050 Acres. To account for This 2050 Acres over and above what appears on the Minutes, Mr. Terry says that it was by Consent of Council he should have *all* the Land between the said Lagoons, & the Number of Acres contained over the Said 2000 Acres was to be on account of his Family right. His Explination admitted, there Still remains a difficulty in the making out of the Grant. The Return made of said Land by the Surveyor, is in *one Tract,* with *One Certificate, & one Plat.* Now the Land Granted above having different Conditions of Cultivation, Quit-Rents &c. The Secretary is at a Loss how to make out the Grant thereof unless the Land be again Surveyed & separate Returns made agreable to the Method in which the Land is Granted, or that the Whole Do go under the same Conditions of Cultivation &c.

Upon mature Consideration the Board is of opinion that the Choice should be left to Mr. Terry either to have the Land again Surveyed & Returned in Two Tracts, that there may be two Grants thereof on the diff't Conditions, or that he do relinquish the Benefit of the Terms Contained in His Majesty's Proclamation for the 2000 Acres granted him as a provincial Officer, & take the whole under the Conditions of the Common Grants.

His Honor laid before the Board the following Letters, & desired the Opinion of Council thereon.

Translation of Mr. Aubry's Letter—

"Sir, I made it my Duty to Inform you of an Affair which has Occasion'd me a great deal of Concern, as it is a matter in

which both our Governments are Interested. I will proceed to relate Every Circumstance from the beginning in order that you may be perfectly Informed of the whole of this Transaction.

Messrs. Viviat, Datcheret, Houin & Tauché with many other French merchants settled on both the English & French side of the Illinois, have a long time leagu'd together to Carry on fraudulent schemes of Commerce to the prejudice of their principals at New Orleans. They owe large sums to merchants here, which instead of paying, they employ this Money arising from the sale of Goods Consigned to them, in Carrying on Projects to their own Emolument.

Mr. Viviat living on the French side of the Illinois was in the year 1765 fitted out by Messrs. Fourniez & St. Pé mercht's of New-Orleans with a Large Cargo for the Illinois. Upon the proceeds of which there is a Considerable sum due to them from Mr. Viviat. When he arrived Two months ago from the Illinois his Creditors had him Confined in Prison, untill he should give a satisfactory account of the proceeds of the above Cargo. Some short time after Fourniez & St Pé had advice of a Batteau loaded with Peltry Coming from the Illinois to the address of said Viviat, or in his absence to the said Fourniez & Saintpé. Before the Batteau could reach New-Orleans Fourniez & Saintpé were further Informed that the said Batteau was stopt at Manshack by order of Viviat, in order without doubt to defraud these Gentlemen of the payment of the Debt due to them. They came immediately & requested I woud give an Order to the Master of the Batteau *(Who they told me came from the Post of St. Ange,)* to proceed with his Peltry to this place. At this Time I was wholly Ignorant that the Post of St. Ange or of Vincienn (which is the same thing) was situated on the English Ground, and as the French Commandant's name at the Illinois is St. Ange I thought this Batteau came from the Post where Mons'r St. Ange Commands. In Consequence I sent a Corporal with three fuzilleers with the following order.

Ordered, that the master Commanding the Batteau which come from the Post of Mons'r St. Ange do proceed to New-Orleans with the Cargo on pain of Answering the Contrary at his Peril. Given at New-Orleans 17 May 1769.—

The Batteau arrived at New-Orleans the 26th. of this month & at the request of Fourniez & St. Pé as also Fargo (Creditors

of Mr. Blouin for a large sum) the Chief Justice did order the seizure of said Batteau & merchandize Conditionally.—

It having been ordered by sd. Judgment that all the Papers relative to the said Batteau & Peltry should be lodged with the Publick Register, I ordered the master of the Batteau to Carry all he had to the sd. office. Upon look'g them over I was never in my Life more surprised than when I saw that the said Batteau came from the Post of Vincienne with a Passport which the Commanding officer for His Britanick Majesty had given to Mr. Nouveau living on the English side, permit'g the Boat to Come down the River to Manschac with the Peltrey on board, which said Nouveau had sent to Mr. Viviat.

Greatly concerned at the error they had Occasioned my Committing I immediately called a Council extraordinary and demanded that all proceedings should be annulled in the most Authentick manner in Consequence I have the Honor to write you Sir & to Inclose you the Decree of the Superior Council Accordingly. And as the Batteau According to the Passport was ordered to go to Manchac, at which place there is neither an English Garrison or Inhabitants, the Parties in dispute are by said Decree directed to appear before your Honor at Pensacola for your decision & to lay every Circumstance of their Cause before you persuaded that you will do therein what to Justice shall appertaine.

The Irreproachable Conduct which I have ever maintained with the English since five years I have been in this Government has procured me the Honor of being esteemed in the Generous mind of every Englishman who has resided at New-Orleans, & I hope will procure me your Honor also, & in the present case I hope you will be persuaded that I never meant to act in any respect repugnant to the Solemn Treaty of Peace, which have united Respective nations, & which I hold too Sacred to Violate, or to do aught that might imply a disrespect of any Passport from an English Commanding officer. And while I remain in this Colony I shall do all in my power to support & maintain Harmony, & the best Understanding between our Respective Governments.

I flatter myself your Honor will do me all the Justice I shall Merit on this Occasion & that you will be Convinced if I have exceeded the limits of my power it was by Reason of this understanding that the Post of St. Ange was the Post of Vin-

cennes, belonging to the English & not that where Mr. St. Ange Commands, of which last Post I understood Messrs. Fourniez & Saint Pé spoke.

I have the Honor to be &c.

Signed Aubry.

New-Orleans 4 June 1769.

Translation of a Letter from Fourniez & Saint Pé—

Sir, Sensible of your Justice & equity and desired of giving succour to the Opressed, Fourniez & Saint Pé Merchants of New-Orleans takes the Liberty to address your Honor & to implore your immediate Protection & Assistance.—In order to recover their Property which some evil disposed persons would deprive them of, by removing on the Land belonging to His Britanick Majesty the effects consigned to them. We will relate the Fact as it really is & in which your Honor may strictly Confide. Mr. Aubry Commandant for His most Christian Majesty in this Colony & has a perfect knowledge of the affair, can Confirm to you the truth of our Memorial.

In Feb'ry 1765 Fournier & Saintpé in Company with other merchants of this place fitted out for the Illinois a Cargo amounting to 65000 livres (13000 Doll'rs) Mr. Viviat was sent to that place as Factor for the same. He was to have 10 pr Ct. Commission allowed him & was particularly by agreement which he signed to do no business for his own Account. This Agreement he broke & Carried on for himself a Considerable Trade at the Illinois, of which as soon as Fourniez & St. Pé were Informed & of his other bad Conduct they obliged him to Return in 1766 & give in his Accounts which he did the 13 Dec'r of the same Year & by the Settlement of the General Acct. Viviat returned a list of Outstanding Debts which he had left in a merchants hands to receive amounting to upwards of 20,000 livres (4000 Doll'rs) in Peltry at the price Current, which he said part of the proceeds of the Cargo. In Consequence Fourniez & St. Pé balanced & settled the Acct.

Sometime after it was found the said List of outstanding Debts were fictitious and the Chief Justice seeing Viviat had been guilty of a fraud in his Acct. gave Judgement against him to pay the said Sum of 20000 livres & upwards. The said Viviat who has carried on a great Trade at the Illinois upon the Credit

of the Cargo he was intrusted with & not having made any payment of the Judgment against him, was on his Return from the Illinois about three months ago Confined to Prison.

Finding himself in this situation Viviat made over & passed in the name of others the Peltry he had ordered from the Illinois in order to frustrate the payment of his Debt. When he left the Illinois he ordered a Batteau to be dispatched loaded with Peltry, but since his Confinement he dispatched an express to stop the Batteau from Comming to New-Orleans and directed the Peltry to be Landed at Manchac on the English Side. Fourniez & Saintpé perceiving to what lengths Viviat pushed His Villainny applyed to Mr. Aubry who knew that this Post was entirely abandoned by His Britanick Majesty, not a single Inhabitant upon the place; tho' had it been otherwise the Justice & Probity of the English is too well known, for there being any doubt but what they would have sent the Batteau to New-Orleans, upon Representa'on made, in like manner as Mr. Aubry has always acted on his part. Such a Conduct of good understanding is the cement to that Harmony which should always Subsist between two Governors or Commanders, such near Neighbors to each other.

In this situation of affairs Mr. Aubry, considering there could be no violation of the Law of Nations (or droit des Gens) He therefore sent a soldier to the Master of the Batteau with an order for him to proceed to New-Orleans at Same time intending to give your Honor an Account of the Transaction.

Upon arrival of the Batteau Fourniez & St. Pé, by Virtue of an order from the Chief Justice did Seize the said Peltry & Conveyed to their stores, where the Superior Council ordered it should remain in Trust Untill your Honor had given your opinion upon this matter.

May it please you Sir, therefore to have the goodness to Consider that the said Viviat had never given any orders for the Batteau to stop at Manchac, but with an Intention to defraud his Creditors, after his Confinement, & particularly Fourniez & Saintpé of the debt he owes them. Every one knows that the Batteau was not intended original to stay at Manshac, the Invoices prove she was bound to New-Orleans. Mr. Aubry & Chief Justice have seen and read them.

It is nevertheless necessary to observe to your Honor that this Peltry having Originally come from that part of the Illinois

belonging to the English it was necessary to apply for a Passport signed by the Commanding officer & which he consented to give upon Condition of entering into a Bond, of £1000 New-York Curr'y that the said Peltry should not be sold but to an English merchant. This Condition was very Just & never did Fourniez & St. Pé intend nor wish to act Contrary to it.—But had the Peltry been left at Manshac it never could have been sold to his Britanic Majesty's subjects, as there are none at that place. Consequently it was necessary to bring the Peltry to New-Orleans, the place it was really Intended for & to sell it to some English Merchant who would have given a Certificate of the Purchase in order to Cancell the Bond. This was the Intention of Fourniez & St. Pé.—

They therefore most humbly request your honor will be pleased to facilitate their being put in possession of their property which Viviat a man well known for Deceit & fraud woud endeavour to keep from them, your goodness Will lend a favourable Ear to the Justice of their Cause. May it therefore please your Honor to order that the said peltry may remain the Sole property of Fournier & Saintpé on Acct. of the Debts Due to them &c."

The following is a Translation of Mr. Viviats Letter—

Sir, It is my duty to inform you of an Affair which has happened not only Interesting to myself, but which concerns your Government.

Some English merchants at the Post of Vincennes & Illinois, did lately fit out from said Posts a Batteau of Peltry, bound to Manshac & Consigned to me under a Passport from Col. Wilkins Commanding Officer for his Baritanick Majesty which Batteau was under the Care of Dronville an English Subject who had given Bond in 2500 Dollars with Condition that the said Peltry should be landed in some part of His Majesty's Territories.—

The Bateau safely arrived at Manshac & I Commissioned a Certain English Subject of the Illinois to receive the said Peltry & to put it in a place of Safety untill such time as I could find an oppertunity to sell it either at Mobile or at Pensacola or in any other English Colony. But my Intention has been frustrated as also the Conditions of the Bond by means of Messrs. Fourniez & St. Pé Merch'ts of New-Orleans who under a pretence of a Judgement they had against me & by a great deal of Chicanery thought themselves Authorized not only to Claim the said Peltry which belongs to other English Merchants But also to Violate

the Law of Nations, in procuring to be seized the Said Peltry & bateau & to bring it to New-Orleans from Manchac notwithstanding the English Passport. When the Bateau arrived at this place I immediately demanded Restitution and obtained an order to that effect. But notwithstanding Fourniez & St. Pé refused to deliver them up. I am preparing a Memorial which will Contain the whole of this affair & which I shall have the Honor to send you in a few days. In meantime I thought it would be proper to Inform you of the regularity of my Conduct in order that nothing might be Imputed to me worthy of Blame.

Messrs. Fourniez & St. Pé behaved in such an extraordinary manner that they solicited and obtained an Order to sell in a peculiar manner part of said Peltry for the payment of the mens Wages belonging to the Batteau. I have prosecuted this Affair in Council & hope the Justice it deserves will be granted me.—

I am &c—

After said Letters had been read & maturally considered the Governor & Council were of Opinion, that the Batteau & Peltry therein mentioned should be immediately sent to Pensacola, (the most Convenient English Port) agreably to Bond given at the Illinois,—when the Parties Claiming the said Peltry shall be permitted to prosecute their said Claim by Attachment before the Chief Justice in the Court of Pleas.

His Honor said he woud write to Mr. Aubry accordingly.—

The Council took into Consideration Mr. Airds proposals for building a Gaol, when it was Resolved to wait sometime to see what may be the Intention of Government in favour of the Province, and in the mean time Capt Crofton Mr. Hodge & Mr. Campbell will visit the proper Gaols & report what repairs and additions may be necessary.

His Honor desired the Opinion of the Board respecting Charles Stuart Esq'r Deputy Superintendent lately returned to the province. That he had not brought out any power of Instructions for the purchasing or distributing presents and provisions to the Indians—that there is frequently a great number of Savages at Mobile & lately 280 at one time. That if Presents and Provisions should be sent there a person must be appointed to Issue them if not, Mr. Westrope has no Occasion to remain at Mobile & of Course should be Recalled.

The Board were of Opinion the Subject under Consideration should be postponed untill his Honor writes to Mr. Stuart.

(July 22, 1769)

West Florida:

At a Council held in the Council Chamber at Pensacola the 22 day of July 1769.

Present His Honor, The Hon'ble William Clifton C. J. David Hodge, Alex'r Moore, William Godley, Capt: Innis, Capt Crofton, John Campbell, Esq'rs.

The Minutes of the 6 Instant were Read.

His Honor laid before the Council the following Letter from Charles Stuart Esq'r.

"Pensacola 17 July 1769.

Sir, As I am Commanded by the Superintendent to apply to you for your Concurrence to mark the boundary line between this province & the Lands reserved by the Indians for their hunting Grounds & which I had the Honor of Mentioning to you before I set out for Mobile, I am to request the favour that your Honor will be pleased to take such steps as shall appear to you most proper, whereby I may be enabled as soon as possible to Carry his Instructions to me on that head into execution.

But as the present disposition of the Indians and the Situation in which this Province also at present stands may require some arangement to be taken with before we can proceed upon the Service, I shall be glad your Honor will be pleased to Inform me of your determination with respect to it, that I may so soon as possible take the necessary steps towards it as far as they concern me.—

As I must report to the Superintendent by the earliest Oppertunity what Steps have been taken with respect to this Service, Your Answer will much oblige &c.

Signed Chas. Stuart.

His Honor also laid the following Letter from John Stuart Esq'r Superintendent, before the board, Vizt.

"Charles Town 7 Feb'ry 1769.

Sir, The difficulty of Conveying Letters from hence to West Florida has only prevented me acknowledging the Honor of your Letter of 30 Septem'r last Sooner.—

I sincerely regret the Death of Mr. Henderson who acted as my deputy in Mr. Stuarts absence, as he was a Commissary upon the Indian Establishment he paid Mr. Waldron for doing his Duty in the Choctaw Nation, Mr. Stuart paid him for acting in his Room.—

As Mr. Stuart Continues upon the establishment having had leave of absence on account of his state of Health, I have no fund to pay Mr. Westrop for his services As I am allowed no more than two Deputies, who are not confined to particular Stations but to be employed by me as His Majesty's service may require. However I make not the least doubt Mr. Stuart will make the proper Allowance for what Services that Gentleman may have performed.

You will See by the report of the Board of Trade of March 1768, of which no doubt you received a Copy, the arrangements in Indian Affairs, it will therefore be necessary for me to say much upon the Subject, especially as the duties of the Governors & Superintendents are therein so Closely and distinctly pointed out that no Clashing can possibly happen if the sense of Government is attended to. On my part I beg leave to assure you of my unfeigned desire & wishes to Cooperate & maintain that Harmony with his Majesty's Governors, which are essentially necessary to the good of the service & ought to subsist between Officers honoured with great Trust by their sovereign.—

As by his Majesty's Orders the Management & regulation of the Trade from the Respective Provinces to the Indian Nations has reverted to the Colonies, All Establishments in my department incident to that Service expired on the 31st. Oct'r last.

I have now the Honor of sending you an Abstract of a treaty Concluded by me with the lower Nation of Creek Indians on the 12 Nov'r last at Augusta in Georgia, by His Majesty's Command, Ratifying & Confining the Cession of Land by them within the limits of your Province from the River Chactawhatche to the river Appalachecola, where the boundary Line behind East Florida terminates.—

I have wrote to the upper Creeks desiring that they will appoint a time for making the Line, deviding the Lands which they have Ceded to his Majesty within your Province from what they reserve for their own use, and Whenever I hear from them upon that subject I shall write you relative to it.—

I have also instructed Mr. Charles Stuart to apply to you for your Concurrence in getting the Choctaw Line marked according to the Treaty concluded with them at Mobile in 1765.—The ascertaining & distinctly marking the boundary Lines between the different Provinces & the Indian Nation is in the strongest manner enjoined me by His Majesty.—

The expense incurred by the attendance of my deputy & Interpreter upon the above mention'd service will fall upon my department, that which shall be allowed for the attendance of the surveyor, Commissioners appointed by you & the Indian Deputies is Considered as a provincial Concern & will be defrayed by your Government.

I have the Honor &c.

Signed John Stuart"

On taking these Letters into Consideration respecting the marking out the boundary Line between this Province & the Lands reserved by the Indians for their hunting Grounds, It was the opinion of the Board that the matter should be posponed untill Mr. Charles Stuart should form some kind of Estimate of the Time, the Persons, & the expences which the Undertaking will require, on which Subject his Honor is to write him.—

His Honor had desired Mr. McGilvray & Mr. Ward, McIntosh &c to attend the Council this Morning respecting the necessity of giving presents & provisions to the Indians at Mobile & of a person to distribute them, as Mr. Charles Stuart had said he Could not furnish any himself & that the superintendents Letter says, that these matters are now invested in the Government of this province.

Mr. McGilvray said (with the approbation of the other Gentlemen) that it was undoubtedly necessary presents & provisions should be given to the Indians at Mobile & a person to distribute them. That they had been very much disturb'd a long time past, But that this is the department of Mr. Charles Stuart who had brought to the amount of £1700 with Him to be distributed to the diff't Tribes. That Mr. Stuart is the person the Indians look to for what they want. That the part of Mr. Stuarts Letter respecting what was left to the Care of the Province was upon the subject of the Indian Trade only. Mr. McGilvray Concluded with saying that it was certainly necessary a Person should Constantly

reside at Mobile for distributing what was to be given to the Indians whenever they came down to Town.

The following Paragraph from Mr. Aubrys Letter to His Honor was read in answer to one he had rec'd respecting the seizure of the Bateau & Pelfry.

TRANSLATION

"I have just rec'd the Letter your Honor has wrote me of the 9 Instant which does me a great deal of Honor. To Morrow Morning I shall call a Council to lay it before them & there is nothing I am more eager to execute than an Immediate Complyance with your request in Restoring to Mr. Viviat the Batteau & Peltry with orders to proceed to Pensacola where the parties in dispute May apply for that Justice which is due to them.

The Attorney General attended the Board with his Acct. against the Government amounting to £93-15-5- from His first arrival in the Province which Acct. was Audited And the opinion of the board was that it should be paid, but His Honor said he Dissented from that part of the Account which was during the administra'on of Governor Johnstone, as Gov'r Johnstone told him he had nothing to do with any Accounts during his Term, having discharged them all.

Mr. Westrope attended with his Acct. (during the time he acted as D. Superintendent at Mobile) from the 1st. Nov'r 1768 to the 1st. July 1769, exclusive of His Sallary, which Acct. Mr. Godley & Mr. Campbell were desired to examine & when audited to be paid out of the Indian Contingencies.—

The D. Secretary of the province presented his Account, which was also refer'd to the above Gentlemen.

Mr. Clarks Acct. as D. Secretary for last year was presented for payment & ordered to be Minuted accordingly.

Also Mr. Marshall D. 141. 7½ do. Mr. Wards for Cloth for the Council Table &c 18.3.

Read the Petition Alex'r McIntosh for Jas. Jackson Sett'g forth "That James Jackson is at present in Georgia but is desirous of Improving a Tract of Land in this province where he has a Considerable property, Therefore praying for 2000 acres where

vacant on the River of Mobile, & that he is ready to give any Obligation that shall be required for fulfilling the Conditions of the Grant."

Resolved—That the Warrant of Survey may Issue for runing out the Land but no Grant to pass untill the Family right is in the province. To be Reserved for 12 months.

Read the Petition Alex'r McIntosh Sett'g forth "That he has been a Setler in the province from the Commencement of the Civil Government & has never applied for any Grant of Land, & being desirous to obtain a Grant for the Settling of a plantation having 11 Negroes & 6 White people in Family—Therefore prays for 2000 acres where Vacant on the River of Mobile."

Resolved—That on Condition &c. 950 acres is Granted on his Family right & 1000 acres more upon paying 5 S for every 50 acres in all 1950.

Read the Petition of Richard Nicolls Sett'g forth . . . (Half a page in Journal blank at this point) . . .

Resolved That on Condition &c. 600 acres is granted on his Family right, & 400 on paying 5 S for every 50 acres—4 persons to be immediately put on the place & the Remainder in 18 months.

Read the Petition Charles Walker Sett'g forth "That he intends coming to the Province in the fall from Georgia with other of His Family, a Brother & their Families, & being desirous to obtain a Tract of Land for Cultivation—Therefore prays for 2000 Acres on the Island of Nanihaba, if not already Granted, or otherwise where Vacant on the River of Mobile or Albama—the said Land to be reserved for the whole—for such Time as shall be thought just for their arrival. The said Charles Walker has Several Negroes."

Resolved That the Warrant of Survey may Issue but no Grant to pass untill they Arrive—reserved for 6 months.

Read the Petition D. Ward sett'g forth "That he is desirous of obtaining a Grant of Land for Cultivation Therefore prays for 1000 acres Where Vacant on the River of Mobile & he will give the usual security for Cultivating the same agreable to his Majesty's Instruction."

Ordered that he do in a new Petition set forth his Family right & the Land already Granted to him.

Read the Petition Richard Nugent & William Pemberton, sett'g forth "That they have never obtained any Grant of Land in this Province, and are desirous to Settle a plantation Therefore prays for 1000 Acres where the same shall be Vacant on the River of Mobile & they will immediately Improve the same."

Resolved That on Condition &c. 500 Acres is Granted on the Family right & 500 on paying 5 S for every 50 Acres.

Read the Petition Thomas Basket, set'ng forth "That he has been a long time an Inhabitant of this Province & is desirous of Cultivating a Tract of Land, Having Ten Negroes lately left him by his Father. Therefore prays for 600 acres where Vacant on the River of Mobile or Albama."

Resolved That on Condition &c. the same is granted.

Ordered on Motion of the Chief Justice that the provincial Secretary do make out an Abstract of the Penal Laws of the Province passed the Last Session of General Assembly—to be advertised.

His Honor signed the following Grants—

	Acres	
To Jacob Phillisee	600	16 Grants Mississippi R. Mobille
James Lovell	1000	
James Watkins	500	
John Smith	600	
Geor: Petrie	1000	
Jos: Harrison, Geo. Harrison, John Hayton & Jo: Hayton	1525	
Wm. Johnstone	140	
Thos. Goan	50	
To Sam'l Osborne	300	
Rich'd Fromanpexima	50	
John Bradley	1000	
Mary Oliver	150	
Wm. Fetherstone	1000	
Wm. Miller	50	
Simon McCormeck	50	
Jer: Terry	4050	
Rich'd Caleb & Jas: Carpenter	1000	R. Mobille

(The Journal ends abruptly at this point.)

MINUTES OF THE POLICE JURY OF ST. HELENA PARISH, AUGUST 16-19, 1813

Edited by WALTER PRICHARD

INTRODUCTION

A manuscript which appears to be the original copy of the Minutes of the Police Jury of St. Helena Parish for the Session of August 16-19, 1813, is the property of Mr. O. J. Matthews of Darlington, Louisiana. This manuscript was found in a store in Zachary, Louisiana, which was formerly owned by an elderly relative of Mr. Matthews. It was brought to the attention of Dr. Edgar A. Schuler, Assistant Professor of Sociology, Louisiana State University, by Miss Louise Kemp; and, recognizing its value and significance as a documentary source for the early history of the State of Louisiana, Dr. Schuler kindly passed it along to the Editor of the *Quarterly*.

Louisiana was admitted into the Union as a State under date of April 30, 1812, but without the inclusion of the Florida Parishes—of which St. Helena is one—within the new State. But shortly after their approval of the Constitution of the State of Louisiana, Congress passed a supplemental act which authorized the State Legislature to incorporate within the new State the West Florida territory between the Mississippi and the Pearl rivers. The first session of the Louisiana Legislature incorporated this territory into the new State, before the close of the year 1812. Local governments had to be set up according to legislation enacted by the Legislature, and it was probably not until early in 1813 that St. Helena and the other Florida Parishes organized their Police Juries as their local governing bodies. At least one session of the Police Jury of the Parish of St. Helena had been held prior to the one under consideration. The sessions were usually held quarterly, and it is possible that two previous sessions had been held in St. Helena, prior to August, 1813.

The manuscript minutes, of which a complete transcript is printed below, consist of twelve sheets of legal size paper of

heavy stock and superior quality, written on both sides. The ink and paper are remarkably well preserved after the lapse of over a century and a quarter, the penmanship is excellent for a quill pen, and the text is still very legible. There are variations in the spelling of some of the proper names and some other words, but on the whole the orthography is very good. The punctuation is indifferent, as is usually the case in such documents.

The transcript of the manuscript is here presented to the readers of the *Quarterly* as an excellent illustration of the manner of organization and method of operation of an early Louisiana Police Jury, as well as for the light it throws upon the problems confronting such a local governing body and the manner in which these problems were solved, in the days shortly after statehood. The document contains an abundance of material of interest to the genealogist, as well as other interesting items on the history of early St. Helena.

In preparing the manuscript for publication the editor has tried to make some logical arrangement into paragraphs, and to clarify the punctuation as an aid to the reader; but he has in no other way emended the manuscript nor made any changes in the original text of the document.

TRANSCRIPTION OF THE MANUSCRIPT

Parish of St. Helena ss.

On Monday the sixteenth day of August in the year of our Lord one thousand eight hundred and thirteen. This day having been specially appointed by the Honble Shepherd Brown Judge of the Parish of St. Helena for a meeting of the members of the Police Jury of said Parish to be held at the Court house of said Parish due notice having been given of such meeting according to Law the members herein after mentioned attended at such meeting, viz:

The Honble Shepherd Brown, ex officio President of said meeting.

William Leach and Alexander Brineac Esquires representing the first ward of said Parish.

Benjamin Hutchinson and John F. Myers Esquires representing the second ward of said Parish.

Richard Allbritton and John Breed Esquires representing the third ward of said Parish.

Jonathan Kemp and Lawrence H. Moor Esquires representing the fourth ward of said Parish.

And Joseph Thomas, William Watson and Thomas J. Davidson Esquires Justices of the Peace and ex officio members of said Jury—

The said members having verified their respective Powers, proceeded to the exercise of the duties prescribed them by Law as Police Jurors and the President took his seat—

Mr. Joseph Thomas was appointed Clerk of the Sitting pro tem:

Messrs. Jonathan Kemp, Thomas J. Davidson and John Breed were appointed a committee to draw up rules and regulations for the Sittings of this Jury—

The Jury then adjourned until three Oclock in the afternoon of this day.

——— Same day ———

The Jury met agreeable to adjournment—

Present The Honble Shepherd Brown in the Chair and Jonathan Kemp, William Leech, John Breed, William Watson, Law'ce H. Moor, Thomas J. Davidson, Benjamin Hutchinson, Alexander Brineac, John F. Myers & Richard Allbritton Esquires.

Samuel H. Harper, Jesse Lee and Abner Womack Esquires representing the fifth ward of said Parish appeared and having verified their powers took their seats as members.

The Committee appointed in the forenoon to draw up rules and regulations for the sittings of the Jury made report and recommended the adoption of the following rules and regulations and they were accordingly unanimously adopted and being approved by the President It was ordered that the said rules and regulations govern the sittings of the Police Jury of the Parish of St. Helena—

Rules to be observed by the present Police Jury for the Parish of St. Helena State of Louisiana August 16 1813—

Art. I. Each member speaking shall address himself to the President—

II. In case of contention for priority in speaking the President shall determine the preference—

III. No member shall be allowed to speak more than twice on the same subject without permission from the President.

IV. That no member of the Jury shall absent himself from the sitting without leave of the President.

V. Disorderly behavior or violation of these rules shall be punished by fines inflicted by the President.

VI. The mode of taking the opinion of the members shall be by raising the hand to indicate assent and holding their position to signify dissent.

VII. No member shall be permitted to speak in the sittings of the Jury without rising from his seat.

VIII. No member shall rise to speak while another is on the floor speaking—

IX. All motions must be seconded, if not they cannot be noticed.—

(Signed) Thos. J. Davidson, charm'n

Motion was made by Mr. Harper seconded by Mr. Thomas that it be proposed to David Wright of this Parish to serve as clerk of this Jury for which he shall be entitled to a remuneration of two dollars per day for each day he shall be employed during the Session of the Jury and the additional sum of twelve and one half cents for every hundred words used in transcribing the proceedings. The said motion being carried Mr. Harper and Mr. Davidson were appointed to make the said proposition to David Wright and they shortly after reported that having made the proposition to said Wright, he had accepted the offer and he was accordingly introduced and took his seat as clerk of the Jury—

On motion of Mr. Harper seconded by Mr. Moor that the Jury now proceed to the appointment of three appraisers for this Parish agreeable to the fourth section of the "act to Lay a tax within the State of Louisiana, to determine the mode of assessing and collecting said tax and for other purposes", the motion was carried nem. con. and it was accordingly so resolved.

On motion of Mr. Harper seconded by Mr. Moor that Thomas J. Davidson, William Kinchen and David Kemp be appointed assessors for the Parish of St. Helena, in conformity to the above mentioned act: The motion was carried nem: con: and the said Thomas J. Davidson, William Kinchen and David Kemp are accordingly appointed assessors under the aforesaid act.

After some desultory conversation the following resolution was proposed by Mr. Harper seconded by Mr. (blank) viz. "Resolved that this Police Jury do now adjourn until the first Monday in July next"—On taking the votes of the Jury the resolution was lost and the Jury continued to sit.

The Jury then proceeded to appoint a constable for the district of said Parish within the jurisdiction of Thomas J. Davidson Esquire Justice of the Peace and Robert Chapman was appointed to that office nem: con:

John Quillan was in like manner appointed constable for the district of William Watson Esquire Justice of the Peace.

Stephen Williams was in like manner appointed constable for the district under the jurisdiction of William Kinchen Esq're and Joseph Heard was in like manner appointed constable in the first ward of the Parish.

Mr. Harper stated that owing to the indisposition of his family he was under the necessity of applying to the Jury for leave of absence during the remainder of the session: Leave was accordingly granted nem: con:—

The Jury then adjoined until tomorrow at nine O'clock in the forenoon.—

D. Wright, Clerk

———Tuesday Aug't 17th———

The Jury met pursuant to adjournment. Present Shepherd Brown in the chair and Lawrence H. Moor, John Breed, Jesse Lee, Benjamin Hitchinson, Jonathan Kemp, Joseph Thomas, William Leech, Thomas J. Davidson, William Watson, Alexander Briniac, Richard Allbritton, Abner Womack and John F. Myers.

The Jury proceeded to the appointment of a constable for the district under the Jurisdiction of the Justices of Peace at Springfield and James Norton was appointed to that office nem: con:

Mr. Davidson offered the following resolution "Whereas great inconvenience attends the intercourse of the inhabitants of this Parish situated on and near the Bayou Barbara with the seat of Justice of this Parish for the want of a road between the two places, as well as for the want of a Public landing established at some place on the said Bayou, Resolved that Messrs. Thomas, Moor, Leech and Bringiac be appointed a committee to draft a plan for opening the said Road and to establish a Public landing on said Bayou as well as to recommend the most proper measures for carrying the same into effect and what ought to be the privileges of the Public on the same.—

The aforesaid resolution being unanimously approved of it was accordingly so ordered, and the committee ordered to prepare their report without delay.

On motion of Mr. Kemp seconded by Mr. Thomas that a committee on ways and means be appointed to devise the most proper method of laying on a Parish tax in order to meet the Parish debt and expences and that they make report of their judgment thereon without delay, The motion being carried Messrs. Davidson, Kemp, Lee, Breed, Womack and Allbritton were appointed such committee by the President.

Motion being made by Mr. Thomas seconded by Mr. Lee that a committee be appointed to regulate the manner of proceeding with strays and wild cattle and also to regulate the structure and height of fences, the said motion was carried, and the President nominated Messrs. Myers, Watson, Hutchinson and Moor as a committee for that purpose.

The Committee of ways and means were ordered to enquire into the most expeditious mode of collecting all arrearages due the Parish from fines collected by the Magistrates and to enquire into the manner in which certain monies exacted from vessels navigating the waters of the Tickfaw and Nitalbany have been appropriated as well as to propose a method to enforce the delivery of such monies to the Parish Treasurer.

Motion was made by Mr. Thomas seconded by Mr. Davidson that the Committee appointed to report on the opening of a road from Bayou Barbara to the Court house shall be authorized to act as a general road committee to enquire into the situation and regulate other roads in the Parish and that they receive all information which may be offered them by the inhabitants of the dif-

ferent parts of this Parish. The motion being carried the Jury adjourned to give time to the different committees to form their reports.

D. Wright, Clerk

———Same day 3 O'clock P. M.———

The Jury met to receive the reports of the different committees.

Present Shepherd Brown President and Messrs. Lee, Womack, Breed, Watson, Kemp, Allbritton, Davidson, Moore, Briniac, Myers and Hutchinson.

Fortescue Cuming Esq'r appeared to take his seat as a Justice of the Peace and ex officio member of the Jury but requested that he might be excused on account of the severe indisposition of a part of his family. Leave of absence was accordingly granted him during the remainder of this Session. William Watson Esq'r was also excused for the remainder of the Session on account of indisposition.

Thomas J. Davidson Esq'r on behalf of the Committee of ways and means read the following report viz:

To the Honble the President and Police Jury of the Parish of St. Helena: The committee appointed from your body as a committee of ways and means beg leave to submit the following articles and to recommend that the same may be ratified by your body and pass as laws of this Parish for the purpose of raising a Parish fund as well as for other purposes.

Art. 1. Tavern keepers before they are allowed to receive any of the following rates shall take out a license from the Clerk of this Parish for which each tavern keeper shall pay as a Parish tax sum of five dollars into the hands of the Treasurer.

Art. 2. Every tavern keeper having obtained such license may charge the following rates and no more.

For every half pint of whiskey twelve and one half cents.

For a single feed of corn for a horse twelve and one half cents.

For a feed of corn with fodder Eighteen and ¾ cents.

For stabling a horse all night on corn and fodder, Thirty seven and a half cents.

For pasturage for a horse all night Six and one quarter cents.

For every meal of victuals Twenty five cents.

For abiding all night—Six and one quarter cents.

Art. 3. Every Billiard Table shall pay a Parish Tax of twenty dollars annually.

Art. 4. All millers attending water mills in this Parish shall keep good order in their respective mills by giving every man his proper turn, keeping lawful sealed measures and keep'g his mill in good order. Millers shall be entitled to receive as toll upon all corn wheat or Buckwheat ground in their respective mills one eighth part thereof and no more: And any miller contravening any part of the above rules shall forfeit and pay to the Parish Treasurer to the use of the Parish Five dollars for each offence to be received before any Justice of the Peace on the information of the Party aggrieved.

Art. V. The Treasurer of the Parish is hereby authorized and required to call upon Fortescue Cuming Esq'r and all others who have been concerned in collecting tolls exacted from vessels under a resolution of the first Police Jury of this Parish, either upon the Nitalbany or Tickfaw, for an account of all monies so received and to take the same into the Treasury of this Parish ready to render back to those who have paid the same. Provided however that all receipts not produced to the Treasurer of this Parish within one year from the passing of this law shall be excluded from such right.

Art. VI. It shall be the duty of the Sheriff of this Parish to call on all Justices of the Peace or who were such under the late Territorial Government for all monies collected by them for fines and return the same to the Treasurer of this Parish and take his receipt.

Art. VII. All white free males of twenty one years old and upwards shall pay a Poll tax to this Parish of One Dollar on each Poll.

Art. VIII. Masters shall pay for every negro above the age of ten years twenty five cents for each.

Art. IX. Every owner of a horse mare or mule above three years old shall pay a Parish Tax of twelve and one half cents for each.

Art. X. The owner or keeper of every stud horse kept in this Parish shall pay a tax to the Parish of the amount he stands for by the season.

Art. XI. All persons who have not paid their Parish Tax of 1811 shall at this time be called on by the Sheriff for their arrearages in taxes (the former Parish Judge and collector having left the Parish) as well as the taxes laid by the present law as also all other dues whatsoever which now are or may become owing to the Parish.

Art. XII. At the time the Assessors appointed under the laws of this present year make their return to the Parish Judge the Sheriff shall make a return of all persons and property subject to a Parish tax within this Parish and the Judge after arranging such return shall keep a copy in his office and deliver one to the Sheriff who shall immediately appoint different central places in each of the wards, giving ninety days notice in each ward to the inhabitants to attend at such place and make payment of their taxes; after such time in case of failure he shall be at liberty to seize and sell property to satisfy such tax subjecting the Party to such costs as may necessarily attend such process agreeable to Law. Provided however that any Person or Persons thinking that he, she, or they have been aggrieved, shall have liberty to appeal to the Justices of Peace of their respective wards.

Art. XIII. The Sheriff shall account to the Parish Treasurer on the first Monday in February in each year and hand over to the Treasurer at the same time all the monies of the Parish which have come into his hands up to that Period—

All which is submitted.

Signed Thos. J. Davidson Charm'n

Aug't 17, 1813.

The aforesaid report having been taken up section by section and the whole of the same having been agreed to, nem. con: It is ordered that each and every of the foregoing articles become and are hereby made part of the laws of the Parish of St. Helena—

Mr. Moore on behalf of the committee appointed to regulate the manner of proceeding with strays and wild cattle and also to regulate the height and structure of fences read a report which

on motion made and seconded was ordered to be recommitted and the chairman added Messrs. Kemp, Davidson & Breed to the committee—

The Jury then adjourned to nine O'clock tomorrow morning.

D. Wright, Clerk

———Wednesday Aug't 18th.———

The Jury met pursuant to adjournment.

Present—The Hon: Shepherd Brown in the Chair and John F. Myers, Abner Womack, Richard Allbritton, Alexander Briniac, William Watson, Thomas J. Davidson, William Leech, Joseph Thomas, Jonathan Kemp, Benjamin Hutchinson, Jesse Lee, John Breed and Lawrence H. Moore, Esquires—

Mr. (blank) on behalf of the Committee to whom was referred the consideration of a manner to regulate proceedings with estrays &c read the following report

To the Honble the President and Police Jury of the Parish of St. Helena:

The Committee appointed from your body as a committee to regulate the manner of proceeding with strays and wild cattle and also to regulate the structure and heighth of fences beg leave to submit the following laws and regulations and to recommend that the same may be adopted by your body and pass as laws of this Parish for the purpose of regulating strays and for other purposes.

Art. 1. Every holder of stock in this Parish shall present a description of his or her ear mark or brand to the Clerk of this Parish whose duty it shall be to record the same, for which service he shall be entitled to receive the sum of fifty cents from the party for whom such record is made.

Art. 2. If two or more persons claim the same ear mark or brand the person having the same first recorded shall have the privilege of retaining such mark or brand.

Art. 3. Any horned cattle sheep or Hogs found running at large unmarked after two years old shall be considered as estrays and dealt with accordingly.

Art. 4. All estrays found running at large in this Parish may be taken up by any householder of the neighborhood where the same may be found and it shall be the duty of every person taking up such stray to report the same forthwith to the nearest Justice of the Peace in his ward who shall appoint two freeholders of his ward ten days after to meet examine and appraise such stray or strays upon oath, for which service the said appraisers shall be entitled to receive the sum of twenty five cents each: And the Justice before whom such appraisement is made shall cause said strays with a full description and the valuation thereof to be advertised at the Court house and at his own office for the full term of twelve months for Horses Mares or Mules and six months for Horned Cattle, Sheep, or Hogs: And if no owner appears to substantiate his or her claim to such estrays in the above mentioned term, it shall then be the duty of the said Justice to order the same to be sold, if a horse, mare or mule at the Court house, but all other stock at the discretion of the Justice—When any estray shall be advertised at the Court house the Clerk of the Parish shall make a record of the same in a book kept by him for that purpose, for which service he shall be entitled to a compensation of fifty cents for every record so made and for all services rendered by Justices of the Peace in conformity to this article they shall be allowed one dollar and fifty cents for every stray which shall be reported to them, appraised and advertised agreeable to the provisions of this article, and all such costs shall be paid by the owner of such estrays if any shall appear or out of the monies arising from the sale of such estrays should the owner not have appeared.—

Art. 5. All horses mares or mules ordered as above to be sold shall be sold on a credit of twelve months, the purchasor giving bond and sufficient security for the same payable to the Sheriff for the use of the Parish and if no owner shall appear and substantiate his claim to such estray before such bond becomes due the money shall be collected and paid to the Parish Treasurer who shall pay to the taker up of the estray one third part of the nett proceeds thereof and shall hold the remainder to the use of the Parish.

Art. 6. No more than one dollar shall be allowed for the keeping of any stray horses mares or mules incapable of working for every month they shall be so kept, and the taker up of such

estrays shall not be compelled to feed them farther than to give them the use of their pastures or commons with the same privileges as are used by their outlying stock. The use of all serviceable horses mares or mules taken up as strays shall be considered a full compensation for their keeping.

Art. 7. Any person taking up an estray and neglecting to report the same as above directed within the term of ten days shall be subject to a fine of twenty dollars to be recovered before a Justice of his district or of the district adjoining and such fine shall be paid to the Treasurer to the use of the Parish.

Art. 8. Every taker up of estrays shall be compelled to certify to a magistrate any accident such as death or escape or material injury which may happen to such strays taking the magistrates certificate to that effect which certificate he shall present to the Clerk to be entered on his record of estrays: and in default of so doing he shall be liable to the party concerned for the amount of the appraisement of such animal or animals to be paid agreeable to the provisions contained in the foregoing articles.

Art. 9. All those in possession of strays heretofore taken up shall report the same to the Clerk of the Parish within twenty days from passing this law and such as have been regularly and dealt with according to Law shall be advertised and sold by the Sheriff as directed by the present regulations and all such as have not been so dealt with shall be considered as if taken up on the present day. All sales of estrays made at the Court house shall take place at some second day of a Parish Court.

Article 10. Five per centum shall be allowed to all Sheriffs or Constables making sales of estrays under the provisions contained in these regulations.

Art. 11. Any holder of stock convicted of driving the cattle of others to his pen at a greater distance than six miles shall be subject to a fine of twenty dollars and shall pay the expenses incurred by the owner in taking them back to his house, all which shall be recovered with costs of suit before any Justice of the Peace of the District of the offenders residence on the information of the party aggrieved: and all such fines shall be paid to the Parish Treasurer to the use of the Parish.

Art. 12. Each inhabitant or planter shall be compelled to keep a fence of the height of five and a half feet either Post & rail or if a worm fence well staked and ridered or braced under risque of suffering without recourse any damage which may arise to his crop from the Horses or cattle of others.

Art. 13. Any person wishing to establish the legality of his fence shall call on two of his respectable neighbors, freeholders, who after examining the same shall grant a certificate of the legality of such fence under their hands.—

Art. 14. Whenever a fence has been declared lawful the owner shall be at liberty to seize and secure all or any animals which may be found within his inclosure and immediately summon two of his respectable neighbors to assess the damages which may have been done by said animal or animals; and the said assessment being sworn to by the Parties making the same before the Justice of Peace of the District and the injured party also making oath that he verily believes said animal was not put into said inclosure by any of his family nor by any other person with intent to injuring the owner nor was put in by himself, then the owner of the animal after due summons shall be condemned by the Justice of the Peace to pay to said taker up all damages which have accrued with twenty five cents per day for keeping such animal or animals and until payment of such indemnity the said taker up may retain the animal or animals. Provided however that due notice shall be given to the owner of animals committing a trespass and in case the owner shall agree to pay and do pay the amount of damages as valued by the neighbors the said animal or animals shall be delivered up without a call before the Justice of the Peace and the owner shall be subject to no further costs or charges.—

All which is submitted.

Signed (blank)

August 18th 1813 Chairman of the Committee.

The aforesaid report having been taken up and read section by section and the whole of the same having been agreed to nem: con:, It is ordered that each and every of the foregoing articles become and are hereby made part of the laws of the Parish of St. Helena.—

The Court then adjourned to this afternoon at three o'clock.

D. Wright, Clerk

———Same day 3 O'clock P. M.———

The Jury met agreeable to adjournment.

Present—As in the forenoon.

Mr. Joseph Thomas on behalf of the committee of roads, bridges, causeways &c read the following report, viz:

To the Honble the President and Police Jury of the Parish of St. Helena:

The committee appointed from your body for the laying off and continuing of roads, Bridges Causeways &c. beg leave to report and recommend the adoption of the following resolutions and regulations for the further opening and improving the public roads in the Parish of St. Helena and for other purposes.

Art. 1. A good and sufficient cart road shall be opened in the most direct route over the most proper ground from the Court house to the landing in the forks of the Bayou Barbara crossing the Hog branch at or near the ford marked out by Reuben Denham.

Art. 2. A good and sufficient cart road shall be opened from the French Settlement on the river Amit to commence at or near the plantation of Mr. (blank) Brigniac, running thence over the highest and best ground and in the most direct route so as to connect with the road from the forks of the Barbara to the Court house.

Art. 3. William Starns, Reuben Denham and Thomas J. Davidson are appointed commissioners to lay off and mark the said road from the Court house to Hog branch and Reuben Denham is appointed commissioner to lay off and mark the said road from the ford at Hog branch to the landing at the Barbara as well as to lay off and mark the road from the French Settlement on the Amit to intersect the road from the Barbara.

Art. 4. The following persons are appointed overseers of the said roads viz. Lawrence H. Moor from the Court house to the ford of Hog branch; William Leech from the Barbara to Hog branch and from the French settlement on the Amit to where the said road may intersect the Barbara road.

Art. 5. Lawrence H. Moor overseer of the road from the Court house to the ford of Hog branch is authorized to call out

the following persons to work on said road viz. from Messrs. Thomas J. Davidson, Alexander Bookter, John George and Lawrence H. Moor two able bodied men each; Also all males residing on the West side of Tickfaw river between the Court house and Hog branch within four miles of the said road, over the age of sixteen and under the age of fifty years.

Art. 6. William Leech overseer of the remainder of said road is authorized to call out all persons within the distance of twelve miles including the Spanish Settlement on the South east side of the said road, and on the north east side of the said road as far as the river Tickfaw and up said river to the mouth of Hog branch, thence up said branch to the ford; The said overseer is also authorized to call out such number of hands as he may deem necessary within the aforesaid limits to work on the road leading from the French Settlement to the road which leads from the Barbara to the Court house.

Art. 7. A similar road shall in like manner be laid off and opened from the ferry of the Colyel to Vausers landing under the inspection and authority of the commissioner and overseer last mentioned.

Art. 8. The Proprietor of the lands at the landing shall accord free passing and repassing through the same as the road shall be laid out and such quantity of land at the landing as the law directs or the commissioners of said road may deem necessary for the receipt or embarkation of goods or other articles brought there by the inhabitants of this Parish or any other person who may frequent said road or landing.

Art. 9. The main Public road leading from Jacksons ferry on the Amit to Mr. John Breeds and thence to Williams road near Holly's old settlement shall be opened and kept in good repair.

Art. 10. John Breed Esq'r is appointed commissioner for said road and the following persons are appointed overseers of the same viz. Robert Rouncevall from Jackson's ferry to Mr. Quillings and William Watson from thence to Williams road near Holly's old place.

Art. 11. A good and sufficient main cart road shall be opened from the Court house to Mr. Daniel Rainer's. Daniel Rainer and

Alexander Bookter are hereby appointed commissioners to mark and lay off said road and Robert Holloway and Dempsey Kemp are hereby appointed overseers of said road and the said overseers are hereby authorized to call out a certain number of the hands of the following persons to work on said road viz. All the hands of Daniel Rainer subject to work on roads; from Keder Raby two hands, from Abraham Spears two hands; from Robert Holloway two hands.

Art. 12. The road leading from Springfield to Jacob Cobbs shall be opened and kept open from Springfield to the ford and in good repair from thence to Cobbs. The following persons are hereby appointed overseers of said road viz. Benjamin Hutchinson from Springfield to Mrs. Starns, John George from Mrs. Starns to Bookters ford on the Tickfaw: Ephraim Deal from said ford to Spring Creek: William Redden from Spring Creek to Cap't Boykins: Uriah Pruit from Cap't Boykins to the line of demarcation.

Art. 13. The road leading from Major Womack's by the way of Mr. Ephraim Bates to the line of demarcation shall be kept in good repair and Ephraim Bates is hereby appointed overseer of said road.

Art. 14. The road on the East side of the Tickfaw leading from John George to Joseph Killion's thence by way of French John's to the line of demarcation shall be kept open and in good repair. The following persons are hereby appointed overseers of said road viz. Joseph Killion from Mr. John George as far as French John's: Stephen Waller from thence to Thomas Day's and said Day from thence to the line of demarkation;—Joseph Killion is hereby authorized to call out the hands of the following persons subject to work on the road viz. from George Killion's to Mr. Bells including the same, all the hands subject to work on the road. Stephen Waller all the hands subject to work on the road from Mr. Bells to Thomas Day's, and Thomas Day all the hands subject to work on the road from thence to the line of demarkation.

Art. 15. The road leading from Powers ford to intersect Williams road at Claytons shall be kept in good repair and Matthew Stewart is hereby appointed overseer for said road with full power to call out all the hands that may reside nearest the said road.

Art. 16. It shall be the duty of each and every commissioner appointed under these regulations to commence the marking and laying off the aforesaid roads to which he may have been appointed within twenty five days after he shall have been duly notified of his appointment: And as soon as such road shall have been layed off and marked it shall be the duty of said commissioner to notify the overseer of the same whose duty it shall be to call out the hands to work on the road so marked out within ten days after such notification from the commissioner: And the said overseer shall continue to call out the hands to work on the road from time to time as he may deem necessary. The overseer shall give the persons subject to work on the road at least three days notice of the time they are wanted and shall at the same time specify the number of days they shall be employed. Provided that no person shall be compelled to work on any road more than four days in any one month nor more than twelve days in the year.

Art. 17. All free males over the age of sixteen and under the age of fifty years shall be subject to work on the roads and all male slaves who may be deemed by the overseers capable of working in the field shall be liable and compelled to work on the roads.

Art. 18. In the recess of the Jury Mr. Alexander Bookter is appointed a commissioner general to fill all such vacancies of commissioners and overseers as may happen during such recess. Also to order the opening of such roads as may be applied for by the majority of inhabitants of any settlement, making also the necessary appointments of commissioners and overseers, which appointments shall be and remain in force until the next meeting of the Police Jury.

Art. 19. Ephraim Deal overseer of that part of the Natchez road leading from Alexander Bookters ford near the Bridge to Spring Creek shall be authorized to call out the hands of the following persons subject to work on the roads viz. those of Jonathan Kemp, Robert Holloway, Aaron Greenage, Benjamin O. Williams, Mrs. Nettles, John West, Thomas J. Davidson, L. H. Moor, Alexander Bookter and Nicholas Highlands or such part of the above mentioned hands as may be deemed by said overseer right and equitable.

Art. 20. The road leading from Joseph Frairs ford on Tanchipahao to the line of demarcation shall be kept open and in

good repair: and Britton Addison is hereby appointed overseer from the ford at Tanchipahao to his own place and Daniel Cryer is hereby appointed overseer from Britton Addison's to the line of demarkation. And the said overseers are authorized to call out at all times when they may think necessary as many hands as they may think necessary to keep the said road in good order.

Art. 21. The road leading from Myers landing at Springfield to Tanchipahao shall be kept in good repair and Samuel Richardson is hereby appointed overseer of said road from Myers landing to the bridge on Ponchitoula: and Skipworth Derbin is hereby appointed overseer for said road from the said bridge at Ponchitoula to Tanchipahao. The said Samuel Richardson is hereby authorized to call out all the hands subject to work on the roads below Nitalbany to Richardson's settlement or where he resides and Skipworth Derbin is authorized to call out all the hands subject as above from Richardson's to Tanchipahao and up Tanchipahao to Morgan Cryers.

Art. 22. The road leading from William's ford to Holly's place shall be kept in good repair and Kindred Williams is appointed overseer for that purpose with authority to call out the hands subject to work on said road and William Womack is appointed overseer to superintend the road from Holly's to Clayton's with like authority.

Art. 23. A Public ferry shall be established over the Nitalbany where the main road leading from Springfield to Tanchipahao may cross the same and a flat sufficient for transporting horses and carts across the same water courses be kept with the following rates.

For transporting a man and horse across the Nitalbany Twelve and one half cents.

For each cart and pair of horses or oxen laden or empty twenty five cents.

For a foot passenger six and one quarter cents.

For a waggon or team laden or empty Thirty seven and a half cents.

For a single horse six & one quarter cents.

The keeper of said ferry shall be compelled under the penalty of five dollars to be ready and traverse all passengers who

may require it from day light to the hour of nine in the evening of each day.

Art. 24. A public ferry shall be established over the Bayou Colyell at or near the plantation of Anthony Idell and a flat sufficient for transporting horses and carts across the same shall be kept at said ferry with the following rates.

For transporting a man & horse across the Colyell twenty five cents.

For each foot passenger Twelve and one half cents.

For all Horned cattle sheep or Hogs six and one quarter cents each.

Each cart and pair of Oxen empty or loaded fifty cents.

Each waggon and team empty or loaded seventy five cents.

The keeper of said ferry shall be compelled under the penalty of five dollars to the use of the parish to attend and transport all passengers who may require it from day light to the hour of nine in the evening. He shall also be compelled to keep a horn on the side of the river opposite his dwelling in some conspicuous place and any person being convicted of taking away or wantonly injuring said horn shall be liable to be fined ten dollars for every such offence for the use of the Parish; and every person making a false alarm by blowing this horn shall be subject to pay a fine of twenty five cents.

Art. 25. The foregoing regulations respecting keeping a horn and the penalties for taking away or wantonly blowing the same shall be in force at the ferry of Augustin Lombard on the Amit.

Art. 26. The following fines shall be inflicted on every delinquent in the duties prescribed by the present regulations, to wit. Each commissioner for every days neglect of duty shall be fined in the sum of twenty dollars—: Each overseer for a like neglect fifteen dollars and each individual male slaves included Two dollars: The above mentioned fines shall be recoverable before the nearest Justice of the Peace at the request of the overseers and commissioners of said roads in the shortest manner according to law and said fines when collected shall be appropriated to the use of said roads as the commissioners or overseers

may deem proper; rendering always an account of the manner in which said fines have been appropriated to the Justice of Peace of the District.

All which is submitted,

Signed Joseph Thomas, Cha'n of the Committee

The foregoing report being read the Jury adjourned to tomorrow morning at nine oclock.

D. Wright, Clerk

———Thursday August 19.———

The Jury met pursuant to adjournment.

Present the Honble Shepherd Brown in the chair and John F. Myers, Abner Womack, Richard Allbritton, Alexander Briniac, William Watson, Thomas J. Davidson, William Leech, Joseph Thomas, Jonathan Kemp, Benjamin Hutchinson, Jesse Lea, John Breed and Lawrence H. Moore Esquires—

The Jury took up the consideration of the report of the committee of roads &c as read yesterday and the same being again read section by section and the whole of it being approved It is ordered that each and every part of said report be adopted and the same is hereby made part of the laws of the Parish of St. Helena.

On motion of Mr. (blank) seconded by Mr. (blank) Resolved that this Jury proceed to elect by ballot a Parish Treasurer who shall give a sufficient security in the sum of one thousand dollars for the faithful performance of his duty until the first day of July 1815 or until the election of another.

Messrs. Womack and Davidson being appointed tellers to receive the votes the election took place when Thomas Kemp was unanimously elected Treasurer.

On motion of Mr. Kemp seconded by Mr. Moore it was unanimously resolved that a committee to be called a committee of accounts be named who shall meet every two months at the Court house on the second day of each Parish Court session to examine all accounts wherein the Parish is interested, approving or rejecting the same as to them may seem just and equitable and that the treasurer be authorized to pay all accounts out of the Parish funds when such accounts shall be approved by the committee

and not otherwise. Any three members of said committee shall be competent to the transaction of business.

Shepherd Brown, Joseph Thomas, Jonathan Kemp, Lawrence H. Moore and Thomas J. Davidson Esquires were nominated members of the Committee of accounts.

On motion of (blank) seconded by (blank) It was Resolved unanimously that the treasurer be allowed the sum of two and one half cents on each dollar paid and the like sum on each dollar received by him.

The Sheriff of the Parish having protested against the sufficiency of the Parish Jail and the charge of making sufficient Jails, Court houses &c resting with the Parish, It is ordered that the Sheriff jointly with the Justice of Peace for the fourth ward be authorized to have the necessary repairs made presenting certified bills of all charges to the committee of accounts who shall pass such as may appear to them correct provided however that the whole charge or charges shall not exceed twenty five dollars.

On motion of Mr. Moore seconded by Mr. Kemp It was resolved that Fortescue Cuming Esq'r be fined in the sum of fifteen dollars for his non attendance at this Jury meeting at the opening of its sittings. The yeas and nays being called for those who voted in the affirmative were Messrs. Hutchinson, Allbritton, Breed, Kemp, Watson, Moore and Leech—; In the negative Messrs. Myers, Thomas, Davidson, Briniac, Lea & Womack.

On a motion made at the same time it was in like manner resolved that Chandler Le(?) Esq'r be fined twenty dollars for neglect of attendance at the meeting of this Jury during its present session.

On a like motion to fine William Kinchen Esq'r for his non attendance the motion was lost several members having given satisfactory explanation of the reason of his absence.

The Jury then adjourned to three O'clock in the afternoon of this day.

D. Wright, Clerk

———Same day 3 P. M.———

The Jury met agreeable to adjournment.

Present Judge Brown in the chair and Messrs. Lea, David-

son, Allbritton, Hutchinson, Womack, Leech, Kemp, Myers, Watson & Moore.

On motion of Mr. Kemp duly seconded and carried Ordered that the Clerk be directed to furnish the commissioners and overseers of the Public roads with notices of their appointment and duties.

On motion of Mr. Davidson seconded by Mr. Myers that the seventh article of the rules and regulations for raising a parish fund in this parish be amended by striking out the word "white" between the words "all" and free—The motion was unanimously carried and the said article ordered to be so amended.

On motion of Mr. Moore seconded by Mr. Lea it was resolved that all citizens of the Parish who may be diseased or disabled so as not to be able to support themselves by their bodily strength and who have not sufficient property for their support shall be exempt from Poll tax.—

Mr. Davidson offered the following resolution—

Whereas it appears entirely consistant with the just privileges of Freemen that the members of this Jury for doing the service of this Parish should be allowed compensation for such service equal at least to a reimbursement of their expence while on public business to be paid out of the funds of the Parish directed to be raised by Said Jury—Be it therefore resolved that the Judge of the Parish as well as the Justices of the Peace present and all the members of this Police Jury present be allowed to receive from the Treasurer of the Parish the sum of two dollars per day for every day they have been employed in the services of the Parish at the present meeting on producing the certificate of the Clerk of this Jury of their attendance.

The said Resolution being moved and seconded the yeas and nays were called for and taken as follows. Those who voted for the said resolution were Messrs. Moore, Davidson, Kemp, Briniac, Leech, Allbritton, Myers, Watson, Thomas & Hutchinson. Against the said Resolution Messrs. Lee, Womack & Breed.

So the said resolution was carried.—

On motion of Mr. Breed seconded by Mr. Lee It was unanimously resolved that the members composing the committee of accounts be allowed two dollars per day to each member for each day they shall be engaged on public business—

The Jury then proceeded to the classification of its members by Lot agreeable to the 4th Section of the act of the Legislature of the State entitled "An Act further defining the organization authority and functions of Police Jurors"—

On drawing the lot the members of the second class who are to serve as Police Jurors for One year are Messrs. Leach, Myers, Allbritton, Kemp, Lee and Womack.

Those of the first class who are to serve for two years are Messrs. Brigniac, Hutchinson, Breed, Moore, Harper and the representative from the sixth ward—

On motion of (blank) seconded by Mr. (blank) Resolved unanimously that the commissioners appointed for the establishment of a permanent scite for the Court house of this.... (The Journal ends here, the last page or sheet of the document apparently having been worn or torn off, thus destroying the minutes for the end of the session.)

PRIVATEERS OF GUADELOUPE AND THEIR ESTABLISHMENT IN BARATARIA

By STANLEY FAYE

Governments of Europe and the Americas agreed one century ago that warfare even upon the oceans should be a monopoly of governments. Out of existence then went the last of the privateers. Naval cruisers took their place, either to blockade the narrow seas or on the high seas to maintain paper blockades.

Privateers had come into being in an earlier century when the private trade known as piracy adapted itself to national benefit. If two maritime nations went to war against each other, each saw it as to her own advantage to destroy the other's seaborne commerce. Until Great Britain had all but made good her boast of ruling the waves, English governments commissioned vessels of private ownership to raid enemy commerce. France and the United States continued their privateer systems in full force to the end of the Napoleonic wars.

Principles of international law had long since come to be recognized as applying to the privateer vessels of civilized nations. Each nation provided itself also with its own particular code of prize law. These codes differed one from another. Even into the nineteenth century the privateersmen of France in European waters received wages as if they had been sailors aboard national vessels. Colonial French privateersmen, like privateersmen of the United States, received their pay in shares of prizes taken. This was the American tradition. Sir Henry Morgan had followed it in the seventeenth century. When Sir Henry in the Caribbean Sea carried a Spanish prize to be condemned in the English vice-admiralty court of Jamaica he acted in accordance with international law and the English code. When a prize court was not conveniently near at hand he acted as seemed to him most convenient. So it was in the later centuries, both in the Caribbean and in the adjoining sea called the Gulf of Mexico. The Spaniards knew Morgan as a pirate. In identical terms they spoke of the nineteenth century privateersmen who made war upon Spanish

commerce in the Gulf. Yet their own privateers the Spaniards regarded properly as auxiliaries to their own national navy.

Spanish colonial private cruisers, originating in Puerto Rico, Cuba and even West Florida, sometimes sailed against enemy commerce of the northeastern Caribbean. In the Spanish-American Wars of Independence such vessels helped blockade the Spanish Main.[1] They did not censor commerce then in the Gulf of Mexico. Until the year 1805 the national naval force of Spain flourished so widely that vessels from the Peninsular fleet could be detached at need to cruise in American waters. Within the Gulf the Spanish colonial governments maintained coastguard squadrons *(guardacostas)* with headquarters at Vera Cruz, Havana and the Mississippi Balize. This marine service, directed primarily against smugglers, was a branch not of the navy but of the army. Vera Cruz and Havana found means of supplementing their mosquito fleets with colonial schooners and brigs. From the Balize at the turn of the century a squadron of *galeras* (galleys, gunboats) and the slow-sailing schooner *Catalina* went out to patrol the coast.

It was Governor Casa Calvo who bought the *Catalina*[2] to be flagship of his galleys. Aboard this schooner the future privateersmen René Beluche served an apprenticeship in warfare.[3] An army captain, Manuel García Muñiz, acted in 1799 as temporary commodore of the Louisiana *apostadero*.[4] His successor was Pierre Rousseau, an elderly brevet lieutenant-colonel in the provincial forces. Rousseau had commanded troops aboard one vessel in the expedition that Governor de Gálvez led against British Pensacola. During two years in the governorship of Miró he commanded at Natchitoches and briefly, under Gayoso de Lemos, at Barrancas Amargó. Rousseau found himself without prospects of further Spanish services upon the transfer of Louisiana to the United States.[5]

The coastguard of Louisiana betook itself to Spanish West Florida. Captain García aboard the *Catalina* again held command at the new *apostadero* in Pensacola Bay. In 1808 the governor

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[1] *Cf.* Manuel Ezequiel Corrales (ed.), *Documentos para la historia de la provincia de Cartagena* (2 v.; Bogotá, 1883), I, 563, 591.

[2] Archivo General de Indias, Audiencia de Santo Domingo, Legajo 87-1-28, Morales to Soler, September 30, 1801.

[3] AGI, Papeles de Cuba, Legajo 2355, Salcedo to Someruelos, February 12, 1802.

[4] AGI, AdeSD, Legajo 87-1-25, Morales to Soler, March 31, 1799, enclosure, Morales to Gayoso, January 25, 1799.

[5] AGI, PdeC, Legajo 2368, Rousseau to the king, November 15, 1803.

of West Florida sought to gain the rank of lieutenant-colonel for García, but the promotion was withheld during the five years of the Spanish regency.[6] In place of the *Catalina* the governor bought a swift vessel, the schooner *Proserpina* of 137 tons, which carried eight 6-pounders and also two 12-pounder and two 8-pounder carronades.[7] The Franco-Spanish war beginning in that same year destroyed most of Pensacola's trade. The galleys went out of service. On November 14, 1811, the *Proserpina* with Manuel García, Joseph Cruzat and Casimiro Prieto as officers sailed from Pensacola for Vera Cruz,[8] never to return except for short visits. Remnants of Florida's shipping were left without protection against the privateers of revolutionary Spanish colonies.

Revolutionary Spanish-American privateers did not enter into the Gulf of Mexico or even into being until the second decade of the nineteenth century. Already in the last decade of the eighteenth, French Republican and North American ideas of democracy had penetrated South America. Agitators in Venezuela translated and secretly published Tom Paine's *The Rights of Man.* Revolution was ripe when, in the spring of 1797, the royalist government of Caracas discovered their plot for an armed revolt. Most of the conspirators found their way into prison.[9]

Another Venezuelan, Francisco de Miranda, for many years had sought aid to the republican cause not only in Europe but also in the United States. In 1798 Miranda's intrigues seemed to be approaching success. Republican France, the close political friend of royalist Spain, made contraband upon the sea the commerce of Great Britain and also British goods aboard American and other neutral carriers. To weaken the power of Spain therefore the power of France and to open Spanish colonial ports to freer trade, the two English-speaking nations prepared to make common cause. The Anglo-American minister to England wrote to Miranda that France soon would see "a nation of freemen rising with scorn and arms against her." Alexander Hamilton wrote that he hoped to lead against royalist Caracas an Anglo-

[6] AGI, PdeC, Legajo 1565, Folch to Someruelos, August 10, 1808. *Cf.* Legajo 1828, García's correspondence of 1812 and 1813 and García to Apodaca, Vera Cruz, July 2, 1814, enclosure, statement of the Fiscal, April 20, 1814.

[7] AGI, PdeC, Legajo 1565, Folch to Someruelos, October 8, 1808.

[8] AGI, PdeC, Legajo 1828, García to Apodaca, May 22, 1812, and subsequent correspondence.

[9] Felipe Larrazábal, *Vida y correspondencia general del libertador Simón Bolívar* (2 v.; New York, 1883), I, 25; Francisco José Urrutia, *Páginas de Historia Diplomáticas* (Bogotá, 1917), 197; William S. Robertson, "Francisco de Miranda and the Revolutionizing of Spanish South America", in American Historical Association *Annual Report for 1907*, I, 224-225.

American army supported by a British fleet.[10] Great Britain withdrew from the scheme. The scorn of the United States changed itself into undeclared warfare in waters near to the island of Guadeloupe.[11]

Guadeloupe was the seat of French colonial government in the Lesser Antilles and the source of French colonial privateer commissions. Its harbor was the home port that Citizen Genêt, French envoy to the United States, opened to the American sea captains whom he commissioned in 1793 to enter French armed service with their American schooners. This violation of American neutrality and American sovereignty on the part of Genêt brought protest from the American government. Thereafter, in the opinion of the United States Supreme Court, "no man would proclaim on the housetop that he intended to fit out a privateer."[12] American vessels continued nevertheless to equip themselves in secret and sail out for Guadeloupe.

François Moreau Michel, a lieutenant-commander *(lieutenant de vaisseau)* in the French navy, owned a one-masted privateer from Hispaniola that sailed under a Guadeloupe commission and under the Spanish name *Henrique*. Michel, being in New Orleans in the year 1796, sold his cruiser there to Jean Durand.[13] Thus he himself was free to accept the duty delegated to him in March of 1799 by the governor of Cap François (modern Cap Haitien). Because "many French privateers take prizes to New Orleans" the French governor had decided to create a French vice-admiralty court in neutral Spanish Louisiana with Michel as vice-admiralty judge.[14]

French privateersmen with prize ships to sell had had previously to gain special permission of local governments in order to dispose of their property in Spanish provinces. Thus in 1797 Captain Durand had sold in New Orleans two of the *Henrique's* prizes, the brig *Westmoreland* and the ship *Carolina Planter*, both United States vessels. Michel in an earlier year had sold there another of the *Henrique's* prizes, a British craft. More recently the captain-general of Cuba had permitted the French governor

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[10] Vicente Dávila and others (eds.), *Archivo del General Miranda* (15 v. to 1938; Caracas), XV, 296, 302.

[11] Gardner W. Allen, *Our Naval War with France* (New York, 1909), 72.

[12] *United States Reports*, 2 Dallas 320.

[13] *Cf.* AGI, AdeSD, Legajo 86-7-9, Hôa to Gardoquí, September 14, 1796, *copia* 3; Legajo 87-1-24, Morales to Varela y Ullôa, May 10, 1797, *copia* 3.

[14] AGI, Estado de Santo Domingo, Legajo 2, Someruelos to Saavedra, May 20, 1799, and enclosures.

of Cap François to experiment with a French prize court in the Cuban port of Baracoa. Following that precedent a new captain-general, governor-general also of Louisiana, consented in May of 1799 to repeat the experiment in New Orleans.

The forthcoming order sent from Havana scandalized the Spanish officers in Louisiana. They recognized in the French scheme a serious violation of neutrality. They had reason to feel the more ill at ease; the governor of Mississippi Territory, nearest representative of the American federal government, had just written from Natchez to demand of Governor Gayoso in New Orleans the arrest and trial of Michel on a charge of piracy with the cruiser *Henrique*.[15] Gayoso, like his three successors of 1799 in the governorship, had no power to countermand orders from Havana, but the intendancy had power to send a prompt warning to the ministry in Spain. Promptly the ministry acted and referred the question to the king. By order of September 27 His Majesty put an end to the French prize court of New Orleans. Meanwhile Michel had been active. As early as July the intendancy reported that he had just sold one North American merchant vessel among other prizes.[16]

In October an American armed merchantman westbound through the Straits of Florida fired upon and sank a heavily armed and flagless schooner that had hoisted only the red boarding flag as she approached.[17] In the following July the commander of an American naval frigate pursued the French privateer *Fortunéo* and in hot chase captured the vessel even within Matanzas harbor. Convoying his prize towards Havana he wrote on the thirtieth to the secretary of the navy, "I am happy to think that the coast is clear once more. I know of no privateers here at present."[18] Within forty-eight hours his lack of knowledge was supplied; the *Fortunéo* escaped at night from Havana. Back to Matanzas went the American to make two unlooked-for French prizes in the month of August.[19]

The Spanish government of Cuba assured the British government of Jamaica in 1804 that the most exact neutrality was observed in Havana and other Cuban ports in regard to French

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[15] Dunbar Rowland (ed.), *The Mississippi Territorial Archives*, v. 1 (Nashville, 1905), 50-51, 60.

[16] AGI, EdeSD, Legajo 2, as above, enclosure: *Recolución*, September 27, 1799; AdeSD, Legajo 87-1-26, Morales to Soler, July 10, 1799.

[17] Allen, *op. cit.*, 233.

[18] *Ibid.*, 192.

[19] AGI, PdeC, Legajo 1708, Someruelos to Yrujo, August 29, 1800, two letters.

privateers.[20] Yet Spanish officers had permitted a French agent in Puerto Rico to distribute and register French privateer commissions that had been signed in blank in Guadeloupe.[21] The schooner *Coquette* had sailed from Franco-Spanish New Orleans in November of 1803 on a privateering voyage that was later to bring her commander, Antoine Bouchet, into two different American federal district courts.[22] Irregularities in the origin or authorization of such vessels or of their captains and crews conveyed a taint to their acts of warfare, which otherwise might have been lawful, and engaged the attention of jurists both in the United States and in British colonies. When Spain joined France in war against the British (December, 1804-January, 1805) her position as a French ally revealed itself undeniably. Many of the former irregularities in French cruising became for the future lawful acts.

About one hundred and fifty French colonial privateers are said to have cruised the eastern Caribbean Sea in the year 1799.[23] Three completed their armament in neutral Havana in the summer of 1803.[24] In February of 1804 Captain Bouchet learned that thirty-three were sailing out of Santiago de Cuba and Baracoa, "for the most part small schooners with one or two cannon, but full of men."[25] Transfer of Louisiana to the United States in 1803 brought into the Gulf of Mexico not only many more American merchant vessels but also many of the French cruisers that previously had raided American shipping along the arc of the Windward and Leeward Islands.

War vessels from the United States and British Jamaica convoyed their national merchant fleets through the Caribbean cloud of French mosquitoes. Few French privateers remained in service out of Guadeloupe in 1806-07.[26] Only three were sailing out of Martinique in the spring of 1809.[27] War arising in 1808 between France and Spain had closed all Spanish colonial ports to all French vessels. In February of 1810 New Orleans news-

[20] AGI, PdeC, Legajo 1660, Someruelos to Nugent and Duckworth, May 12, 1804 (under Van Sittart to Someruelos, May 15, 1803).

[21] AGI, EdeSD, Legajo 2, Someruelos to Urquijo, September 20, 1799, No. 35.

[22] AGI, PdeC, Legajo 1572, Casa Calvo to Someruelos, April 19, 1804; Dunbar Rowland (ed.), *Official Letter Books of W. C. C. Claiborne, 1801-1816* (6 v.; Jackson, 1917), II, 66, IV, 391-396; *Pennsylvania [Federal] Reports*, 3 Binney 220.

[23] Allen, *op. cit.*, 76.

[24] AGI, EdeSD, Legajo 2, No. 58, Duckworth to Someruelos, September 4, 1803.

[25] AGI, PdeC, Legajo 1572, Casa Calvo to Someruelos, April 19, 1804, enclosure, Bailey's deposition. *Cf.* Gaillard Hunt (ed.), *Writings of James Madison* (9 v.; New York, 1894-1910), VII, 137, 189.

[26] H. de Poyen, *Les Guerres des Antilles de 1793 à 1815* (Paris, 1896), 296, 302.

[27] *London [Evening] Chronicle*, June 15, 1809.

papers published an offer, made in December by the Havana chamber of commerce, of rewards to such private or naval vessels of allied or friendly powers as should capture or sink French privateers in the Gulf of Mexico.[28] British expeditions meanwhile occupied the French Antilles. By the end of 1809 only Guadeloupe and its dependency St. Martin's remained uncaptured. In December British vessels blockaded Guadeloupe.

On January 25, 1810, a privateer commission of Guadeloupe, good for a term of four months, issued at Basseterre, the capital, to Marcellin Battigne and to his pilotboatbuilt schooner formerly the *Thorn* of New York[29] but now the French privateer *Epine*. On the twenty-sixth the commission was duly registered at Point-à-Pitre.[30] On the twenty-seventh, one day too late to capture the *Epine*, Admirals Beckwith and Cochrane arrived off Point-à-Pitre with a British landing expedition. The island surrendered on February 4, as did St. Martin's a few days later.[31] French colonial privateers no longer possessed a harbor of their own or any New World admiralty court to which they might take their prizes.

In the days of the French Republic colonial commissions had run for only three months from the beginning of a cruise.[32] So small was the customary privateer compared to the number of her crew that provisions to suffice for a much longer term could not be carried. British armed merchantmen frequented the only neutral island, St. Bart's.[33] Without supplies and repairs not even the few large French cruisers could dare the trans-Atlantic voyage to the blockaded coast of France. Some privateers from Guadeloupe found refuge in North American ports on the Atlantic seaboard. Other hungry prodigals came home to New Orleans.

French privateers raiding American commerce under Directory decrees and later under Imperial decrees had been accus-

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[28] AGI, PdeC, Legajo 1710, Morphy to Someruelos, February 16, 1810, *Letra*. *Cf.* David D. Porter, *Memoir of Commodore David Porter* (Albany, 1875), 81.

[29] *Louisiana Gazette* (New Orleans), April 17, 1810.

[30] *The Case Argued in the United States District Court for Orleans Territory against the French Privateer L'Epine concerning her Capture of the Spanish Ship Alerta, and the Opinion of the Honorable Dominick A. Hall, District Judge; printed in New Orleans by John Mowry & Company, No. 26, Conti Street—1810:* Spanish translation in Archivo General de la Nación (de Méjico), Historia, v. 161, in Morphy's correspondence, under (Real Audiencia Gobernadora) to Morphy, December 18, 1810.

[31] *Louisiana Gazette*, April 7, 1810; De Poyen, *op. cit.*, 402-403.

[32] Spanish translations of French commissions enclosed in AGI, EdeSD, Legajo 2, Someruelos to Urquijo, September 20, 1799, No. 35, and Legajo 17, Someruelos to Cevallos, December 3, 1806; AdeSD, Legajo 87-1-24, Morales to Varela y Ulloa, May 10, 1797; *United States Reports*, 3 Dallas 293, appendix.

[33] *Cf. Norfolk Ledger*, in *Louisiana Gazette*, June 30, 1810.

tomed to enter New Orleans[34] and other American ports seeking the hospitality assured them by the French treaty of 1778. Public opinion barred them from New England and New York, though not from New Jersey and the Chesapeake. In August of 1798 an American sailor who had lost his ship to a French privateer took revenge upon the Directory decree of January by leading a mob that burned the capturing vessel in the port of Savannah.[35] In 1810 a pilotboatbuilt privateer from fallen St. Martin's met difficulties both in Charleston and in Norfolk.[36] When she ventured a return to Norfolk in 1811 she found herself embargoed. Being released, she was preparing to depart when rioters boarded her at night and burned her at her anchorage.[37]

No such violence could be expected in New Orleans. The population there was for the most part French. Half of it consisted of French colonials evicted from Cuba only one year before by the new enemy Spain, now allied with the hereditary enemy England. This influx of distress and hatred had encouraged merchants, shipowners and mariners of the town to begin late in 1809 a systematic business in French privateering out of New Orleans.[38] In February of 1810 the new Spanish consul reported that within the past two months three vessels had sailed to become credits to the French privateering account and that two more were nearly ready to sail.[39]

The 14-gun, 150-ton schooner *Duc de Montebello,* originally a Baltimore merchantman, equipped in Savannah and armed at sea, had an ostensible Louisiana owner. This was Ange-Michel Brouard,[40] a French naval junior ensign, commander in 1804 of

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[34] *Cf. Claiborne Letter Books,* I, 97, 100, 114, 165, 171, 275, 276, 284, 289.

[35] Michel Guillet fitted out the 12-ton schooner *Ranger* to cruise against American shipping under the Directory decree. With Josef Peso de Borgo as mate the *Ranger* captured two small Georgia coasters, of one of which Thomas Smith was mate. The privateer set Smith ashore at St. Mary's and convoyed the prize to St. Augustine. There at the end of July Guillet sold the *Ranger* to a Spanish subject who registered her as a Spanish merchant vessel, the *María.* With Peso de Borgo now as master the *María* returned to Savannah on August 4 and was chartered there by Pierre des Roys des Bordes and Valentine Casimir Pinçon to carry them and some of their property to St. Augustine. Smith had returned to Savannah. He and James Seraton (the harbor pilot) and Captain Bowman of the schooner *Two Friends,* with a dozen or more companions, seized the *María* at night, carried her from her wharf to the other side of the river, and destroyed her and her French cargo by fire: AGI. EdeSD, Legajo 1, Santa Clara to Saavedra, November 20, 1798, and *Copias* 1 to 6 (under Santa Clara to the Prince of Peace, May 22, 1797). *Cf.* Legajo 2, Someruelos to Urquijo, December 17, 1799, No. 24.

[36] *Louisiana Gazette,* April 26, August 2, 1810; *Columbian Centinel* (Boston), May 19, July 4, 1810.

[37] *Norfolk Ledger,* in *Louisiana Gazette,* May 15, 1811; AGM, Historia, Operaciones de Guerra, Notas Diplomáticas, v. 3, Onís to the viceroy, April 22, 1811.

[38] *Louisiana Gazette,* July 30, 1810.

[39] AGI. PdeC. Legajo 1710, Morphy to Someruelos, February 16, 1810 (third).

[40] *Louisiana Gazette,* April 12, 1810; *Claiborne Letter Books,* V. 26.

the French privateer *Moustique* from New Orleans.[41]. Arriving at the Balize late in March of 1810,[42] the *Duc* brought a French privateer commission for Pierre Brugman, a Flemish mariner. Brugman was not at home, but he came in at the Balize a few days later commanding another large schooner. This vessel, just built in the New Orleans shipyards, had sailed in mid-February on a maiden voyage to St. Bart's. To make everything as legal as possible the schooner's captain sold her to one of his passengers, the Gascon merchant Joseph Sauvinet, only after arriving at that neutral port. Then Brugman took command, the other passengers from Louisiana became his crew, and to St. Martin's island they went to register their craft as the French privateer *Intrépide*.[43]

Soon following the *Duc* and the *Intrépide* the small schooners *Petite-Chance* (Captain Saint-Caste) and *Epine* (Captain Battigne) anchored at the Balize. A British warship captured the *Supérieur*.[44] The *Guillaume* and the *Blossom* kept their distance. On April 18 the Portuguese slaver brig *Mosquito*, Brazil for Havana but now prize to the *Guillaume* and to Captain Jean-Jacques, made her appearance at the Balize with a cargo of one hundred and five negroes. As these vessels came into the river, gunboats of the United States Navy seized them and held them under embargo.[45]

Article 19 of the Franco-American treaty of amity and commerce, made in 1778, had granted to French privateers the full rights enjoyed always by French naval vessels in American ports. This provision was later modified; in retaliation for acts committed under Imperial decrees the privileges of American ports were denied to French privateers and merchantmen except such as might enter in distress. All of these visitors at the Balize asserted distress. It was said that Captain Saint-Caste had made his position less insecure by means of a freshly bored auger hole in the hull of the *Petite-Chance*.[46] Judge Hall of the federal district court had yet to adjudicate the question of international privilege. Commodore David Porter and other officers of the

[41] AGI, PdeC, Legajo 1660, under Van Sittart to Someruelos, May 26, 1804, "List of vessels declared to be bad prizes."
[42] *Moniteur de la Louisiane* (New Orleans), March 28, 1810.
[43] *Louisiana Gazette*, April 4 and 12, 1810.
[44] *Gazeta de México*, April 10, 1810.
[45] *Moniteur de la Louisiane*, April 25 and 28, May 5, 1810; *Louisiana Gazette*, April 26, 1810; AGI, PdeC, Legajo, 1710, Morphy to Someruelos, May 14, AGM, Historia, v. 161, (Real Audiencia Gobernadora) to Morphy, July 14, 1810.
[46] *Louisiana Gazette*, April 12, 1810.

New Orleans naval station did not conceal their hunger for prize money and a share in salvage money. Up to New Orleans came the embargoed vessels. Into the district court went the cases of privateers and Portuguese prize.

Philip Grymes still functioned as federal district attorney although he had resigned the office; appointment of Tully Robinson to succeed him was published in New Orleans on May 24.[47] Neither the one nor the other enjoyed the task of prosecuting vessels that most of their fellow townsmen regarded as of their own nation. Sauvinet's *Intrépide* went free except for a penalty of fifteen hundred dollars. The customhouse refused her a clearance, and without one she sailed on May 29.[48] With her went the *Epine,* whose complete innocence had been proved.[49] The *Petite-Chance,* still awaiting trial, was ready to present a most excellent defence. When Commodore Porter departed in June for Washington only the *Duc de Montebello* had rewarded his efforts. The commodore could boast that condemnation of that schooner and her prize cargo had yielded him prize money and salvage money to a total of twenty-five thousand dollars; of this amount Edward Livingston, his legal counsel, received five percent.[50] The court did not detain the Portuguese prize. The cargo of Africans was sold privately in New Orleans for eighteen thousand dollars and delivered no less privately on the coast of Barataria.[51]

On May 26 the *Epine's* four-month commission ran out. On May 28 New Orleans read in public print an Act of Congress[52] of May 1. On May 29 the *Epine* left New Orleans, a 52-ton armed pilotboatbuilt schooner with a crew of fourteen French sailors from Guadeloupe. The new Act of Congress prohibited all communication between any French vessel, even in distress, and the land. Yet down the river the *Epine* stopped. Captain Battigne took aboard thirty-two Louisianans, including one fugitive slave belonging to Colonel Bellechasse. All of these men the French consulate had added to the crew under date of June 2. On June 3 the *Epine* sailed on and out to cruise. Off Havana, seven days out from the Balize, Captain Battigne captured the Cuban slaver

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[47] *Louisiana Gazette,* May 24, June 9 1810. *Cf. Claiborne Letter Books,* V. 24. Robinson resigned his office and was succeeded by John Randolph Grymes; *Louisiana Gazette,* May 1, 1811.

[48] *Louisiana Gazette,* April 25, May 25, 1810.

[49] AGI, PdeC, Legajo 1710, Morphy to Someruelos, May 30, 1810.

[50] *Cf.* Porter, *op. cit.,* 79-82.

[51] *Baltimore Federal Republican,* November 19, 1811. This unsigned letter and that in the issue of February 18, 1812, appear to be the work of Louis de Clouet.

ship *Alerta.* With the prize he captured one hundred and seventy Africans, whom the ship was bringing to Havana on a voyage almost completed. He took aboard the *Epine* seventeen slaves to be sold in New Orleans by order of court for paying his repair bill. He put a prize crew aboard the Spaniard. On a stormy July 3 the *Alerta,* in real distress, almost sinking,[53] signaled the Mississippi Balize for a pilot. The *Epine,* convoying her, followed into American jurisdiction.

This time also Captain Battigne, if he could not prove his innocence, at least could not be proved guilty under American law. But someone, if not that cold, phlegmatic-looking Gascon with the twisted lower lip,[54] had falsified the *Epine's* commission to extend its time limit, and certainly the *Epine* had offended against the newly published Act of Congress. Judge Hall restored the prize and her remaining cargo to her Cuban claimant.[55] Under bond, pending a footless appeal directly to the United States Supreme Court,[56] the *Alerta* sailed for Havana convoyed now by a Spanish warship. The *Epine* remained, forfeit to the United States.

Only a headwind and the desperate condition of the *Alerta* had brought the Cuban slaver and therefore her captor into the Mississippi River. The fate of the *Duc de Montebello* had taught the privateersmen to avoid New Orleans. Captain Battigne had intended that his cargo, if not his deep-draft prizeship, should make port within Barataria Pass.

Because it was rich (in timber) and unattainable like Sancho Panza's island kingdom, the earliest French colonists of New Orleans gave to a wooded "island" in the western swamp the name of Barataria.[57] The colonial capital was little more than ten years old when Barataria seemed to someone worthy the sketching of a waterway that led thither from English Turn.[58] In 1740 DuBreuil's canal opened a smooth path between the Mississippi River and Lake Ouachita.[59] Cypress timber became

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[53] *Annals of Congress,* v. 21, appendix, p. 2582; 2 *Statutes at Large* 605 (Macon Bill No. 2.)

[54] *Moniteur de la Louisiane,* July 7, 1810.

[55] *Louisiana Gazette,* April 17, 1810.

[56] AGM, Historia, v. 161, as above, Judge Hall's opinion.

[56] *United States Reports,* 9 Cranch 359.

[57] Le Page du Pratz, *Histoire de la Louisiane* (3 v.; Paris, 1758), I, 289.

[58] D'Anville collection (Bibliothèque Nationale, Paris), GeD-1069, unsigned sketch, *Bayou par lequel on va à Barataria; relevé le 18 Septembre, 1729* (Karpinski photostat in Ayer Collection, Newberry Library, Chicago.)

[59] Archives Nationales (Paris), AC, C[13], XXV, 121, 193, June 25 and 30, 1740, B, LXX, 468, October 28, 1740 (Surrey Calendar).

available for building the houses of New Orleans and oak timber for building ships.

In the Maronne plantation, on the right bank a league or more above New Orleans, a sawmill came into being. A sluice brought river water in time of spring floods to turn the mill wheel. A tailrace discharged into a bayou that led southwestward. Not only logs but also boats could be hauled up from the bayou and through the mill and launched into the Mississippi River.[60] A path on the high bank followed the bayou through the swamps to the edge of Lake Ouachita and the marshes. Here, six leagues from the town, Barataria raised its wealth of forest trees. Here the Spaniards in the time of Governor de Gálvez established a village.[61]

The name of Barataria extended itself from the forested "island" to the forested swamp, to the marshes, to Lake Ouachita, to the coastal lagoon or bay, to the two islands of silt and sand (Grande Terre and Grand Isle) that separated bay from Gulf. Here was a watery land that might invite smugglers. The Spaniards, succeeding the earlier French, recognized that fact; at Barataria Pass, which separated the islands, they maintained a watchtower[62] to guard the fisherman's port that served Barataria village far northward beyond the marshes.

Barataria Pass opened from the bay into an inland sea, the Gulf of Mexico, that before the year 1804 had been a Spanish lake. East and west, north and south, every inch of the Gulf coast belonged until then to the Spanish Crown. Any foreign vessel sailing westward through the Straits of Florida or northward through the Yucatan Channel must be prepared to prove her good intent. Galleys of the royal coastguard patrolled the shallows. The watchtowers guaranteed the virtue of Grand Isle and Grande Terre. Yankee ship captains coming into the Mississippi River to receive products sent down from the Ohio used their wits to find a way of smuggling through Barataria. They entered at the Balize with cargoes in excess of manifest. Small boats met the ships at night near Placquemines on the way up to New Orleans; there they received the excess shipment and thence by way of "the bayou that leads to Barataria" carried it west-

[60] James Wilkinson, *Memoirs of My Own Times* (3 v.; Philadelphia, 1816), I, 475; *American State Papers, Commerce & Navigation*, I, 840.

[61] AGI, AdeSD, Legajo 86-6-12, Bernardo de Gálvez to Joseph de Gálvez, July 19, 1781, No. 461.

[62] C. H. Chaucheprat (ed.), *Routier des Iles Antilles* (2 v.; Paris, 1842), II, 84.

ward for distribution by way of other bayous. The intendency in New Orleans discovered this scheme in 1796. Assuming a right such as had been discussed thirty-four years earlier,[63] it ordered that thenceforth the hatches of all incoming foreign vessels should be sealed at the Balize and not unsealed before arrival at the town.[64]

Upon the transfer of Louisiana to American sovereignty at the end of 1803 the former Spanish province found itself within a commercial system little short of free trade. The marshes no longer invited contraband because smuggling no longer was profitable there. Smuggling persisted with a retrograde movement eastward from American Louisiana into Spanish West Florida. Governor Claiborne feared in 1806 that smugglers might "in time" make use of Lake Borgne and Bayou Terre-aux-Boeufs, but he voiced no fear for Barataria.[65] An illicit incoming traffic in African negroes[66] was carried on by way of West Florida much more easily than it could have been carried on by way of Barataria Pass. This trade and related circumstances were to give President Madison an excuse for occupying the part of West Florida (from Baton Rouge to the Perdido River beyond Mobile) that the United States claimed as part of the Louisiana cession. Other means remained to be discovered for gaining possession of the Two Floridas in their entirety.

With the nonintercourse acts and President Jefferson's embargo closing authorized ports in 1808, the situation underwent a change. Contraband trade promised profits again, and smuggling out became as profitable as smuggling in. A British order in council of April 11, 1808, directed British naval commanders not to molest any neutral vessel bound to the starving Antilles "even though the vessel have no regular clearance or papers."[67] Adventurous men of New Orleans learned in that year[68] the route through Monsieur Maronne's millrace and Bayou Barataria.

The embargo removed itself in the spring of 1809. Contraband trade ceased again for a while in a Barataria. That health-

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[63] *Cf. Illinois Historical Collections*, XXVII, 489, 501, 543, 547.
[64] AGI, AdeSD, Legajo 87-1-23, Morales to Gardoquí, July 20, 1796, No. 23.
[65] *Claiborne Letter Books*, III, 353.
[66] Importation of Africans into the United States became unlawful on January 1, 1808: William Edward Burghardt Dubois, *The Suppression of the African Slave Trade* (New York, 1896), 86.
[67] Henry Adams, *History of the United States of America* (9 v.; New York, 1889-1891), IV, 327.
[68] *Cf.* Archivo de Su Majestad Católica en Philadelphia (State Department, Madrid), Legajo 93, Morphy to Onís, July 8, 1814.

ful region, where yellow fever was unknown, became in 1810 a summer resort visited by such respected persons as Honoré Fortier and Pierre St. Amant.[69] Its commercial destiny was decided with the sailing of the schooner *Intrépide* and the pilotboatbuilt schooner *Epine* in May and with the sailing of the falouche *Sally* in June.

Louis Prince and Jean Robert owned the *Sally*. As an American vessel the falouche cleared in June at the New Orleans customhouse for a voyage to Port-au-Prince. On the coast she increased her crew to fifty. To her equipment she added one brass 8-pounder, fifty oars, and the flag of Imperial France. She halted the Spanish schooner *Empresa*. The resultant twenty-three thousand dollars in cash soon came up from the Balize in custody of Jean Robert. In August the *Sally* brought to the coast a prize cargo of dry goods and a peculiarly interesting prize. This was a Spanish brig for Pensacola carrying one hundred and forty Africans. Jean Robert and Ange-Michel Brouard sold the cargo at Grand Terre and ordered the brig to be burned. The negroes, sent up Lafourche, were publicly sold. Warrants issued in New Orleans upon Spanish complaint for the arrest of Prince, Brouard and Robert. Only Prince was arrested; he went free on a bond that he forfeited in order to escape prosecution. The sheriff recovered many of the negroes on behalf of the Spanish owner's agent in New Orleans.[70]

Sauvinet's privateer *Intrépide* had appeared July 24 off the Balize with her prize, the ship *Invicta España*, Cádiz to Vera Cruz, laden with a cargo (iron, wine, dry goods, etc.) said to be invoiced at six hundred thousand dollars. Pending arrangements or sale the two vessels lay for a while off Grande Terre. Then in mid-August they cruised to the westward. A storm drove both of them onto the shallow offshore far beyond Barataria Pass.[71] Their cargoes were discharged in small boats; the wrecked vessels were set afire.

The *Louisiana Gazette* of August 23 reported first a garbled rumor of this affair; the ships had gone aground at "the Grande Terre or Island of Barataria" and the crew of the *Intrépide* had

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[69] *Baltimore Federal Republican*, November 19, 1811.

[70] AGI, PdeC, Legajo 1710, Morphy to Someruelos, August 23, 1810; AGM, Historia, v. 161, Morphy to the Real Audiencia Gobernadora, September 6, 1810; *Louisiana Gazette*, September 4 and 15, 1810; *Baltimore Federal Republican*, November 19, 1811.

[71] AGI, PdeC, Legajo 1836, Llano & Regato to Morphy, December 7, 1810, in correspondence of 1812.

taken their artillery ashore and built and armed a fort. To this day the legend persists of an armed fort at Barataria Pass. Nevertheless Lieutenant Michael B. Carroll, acting commodore of the New Orleans naval station, did what he could to destroy the legend at its beginning. He retorted straightway that no privateers had been seen at Grande Terre and that a United States gunboat had long been guarding the Pass. On the morrow the *Gazette* apologized. The fact of the matter made itself evident a little later when the New Orleans market overflowed with smuggler's wares. Ladies might rejoice and honest merchants groan when the price of silk stockings from Cádiz fell to nine dollars a dozen. Pig-iron was offered at one dollar a hundredweight—on the coast.[72] The acting governor in New Orleans issued a proclamation on the subject of smuggling through Barataria.[73]

Lieutenant Carroll thought better of his denial made to the editor; in mid-September he sent out the naval brig *Vixen* and the schooner *Caroline* with three gunboats to cruise for several weeks in the westerly waters.[74] Before news of this concession reached Philadelphia the Spanish legation there made representation to the American State Department. The Spanish Regency's envoy held little hope of aid from that quarter; he knew too well that President Madison's administration made common cause with the privateersmen against Spain. Only recently the Department had advised him to apply to the courts for relief.[75] This time the Department gave him (as he described it) a promise to "rout the pirates out of their nest." Nevertheless the unconfiding envoy asked the captain-general of Havana to send a Spanish warship to cruise off the Louisiana coast.[76] On October 27, three weeks or so after the Spanish representation to the State Department, President Madison issued a proclamation[77] against smuggling and the slave trade on the borders of Louisiana. The president spoke severely. Yet he spoke for a political purpose and not for the sake of law and order. He spoke only of Spanish

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[72] *Louisiana Gazette*, July 28, August 23 and 24, September 4, 1810; *Baltimore Federal Republican*, November 19, 1811; AGI, PdeC, Legajo 1710, Morphy to Someruelos, August 23, 1810.

[73] Charles Etienne Arthur Gayarré, *History of Louisiana* (4 v.; New York, 1854-66), IV, 228.

[74] AGI, PdeC, Legajo 1710, Morphy to Someruelos, September 24, 1810.

[75] AGI, PdeC, Legajo 1708, Onís to Someruelos, January 12, and Smith to Onís, January 25, 1810.

[76] AGI, PdeC, Legajo 1708, Onís to Someruelos, October 10, 1810.

[77] James D. Richardson (ed.) *Messages and Papers of the Presidents* (10 v.; Washington, 1899), I, 480-481.

West Florida. He said not one word of the smuggling French cruisers and scandalous Barataria. His meaning became clearer a few months later when American armed forces took from Spain the Florida district of Baton Rouge.

A few armed vessels supplying the smuggling trade continued to cruise in the Gulf of Mexico during the year 1811. Any French commissions that they have troubled to carry were questionable at best. These documents could not save prizes from recapture by superior force or restoration in a neutral admiralty court, but in the hands of clever lawyers they might protect commanders and crews from American charges of piracy. During a twelvemonth beginning in the summer of 1810 the influence of a French Imperial agent kept open for French privateersmen two ports in southern Haiti.[78] With these ports closed in August of 1811 the privateer owners of New Orleans were planning in October (so it was rumored) to arm a large vessel and attack and rob the Cuban port of Baracoa. Governor Claiborne heard the rumor in December and took steps to prevent such a plan from being carried out.[79] Three months later another rumor became current. The group of adventurers already known popularly as the Barataria Association was planning an expedition around the point of Florida to attack Spanish St. Augustine under the new flag of Cartagena de Indias.[80]

It mattered little now to the privateersmen of Barataria that the president in Port-au-Prince had reconquered the Imperial ports of southern Haiti. Revolution in South America had opened a new port to them. Cartagena province of the Granadine viceroyalty declared on November 11, 1811, its independence of Spain and the Bourbons. The city of Cartagena promptly sent out agents to seek new citizens in other countries. Especially

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[78] André Rigaud, Haitian mulatto brigadier-general of France and brother of the Haitian revolutionist Benoît-Joseph Rigaud, was the only one of the "Napoleonic emissaries" to achieve much success. He came to Port-au-Prince as an Imperial commissioner early in 1810, was assigned by President Pétion to command for Haiti the Department of the South at his native Aux Cayes, asserted sovereignty there for France on November 1, opened Aux Cayes and Jacmel to French privateers, was overcome by Pétion's forces after a campaign lasting from June 27 to August 13, 1811, and died in prison one month later. Some writers have confused him with his brother, who had died eight or nine years earlier; others, with a second Napoleonic general, an *émigré* of 1815, the Gascon baron Antoine Rigau of Galveston and the Champ d'Asile in Texas: Archivo General de Simancas, Estado, Legajo 2632 *moderno* (8173 *anterior*), Infantado (?) to Bardaxi, September (?), 1810; AGM, Historia, v. 161, Philadelphia correspondence, Pérez to Venegas, April 22, 1811; William B. Manning (ed.), *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations* (3 v.; New York, 1925), II, 1145; *London Courier*, October 5, 1810; *Louisiana Gazette*, May 7, 1811; *Baltimore Federal Republican*, October 24, 1811; *Columbian Centinel*, October 26, 1811; *La Grande Encyclopédie*, heading: Rigaud.

[79] AGI, PdeC, Legajo 1708, Onís to Someruelos, November 27, 1811; *Claiborne Letter Books*, VI, 22.

[80] AGI, PdeC, Legajo 1791, Morphy to Soto, March 26, 1812.

it invited those mariners who with their little vessels would take privateer commissions of Cartagena against royalist commerce.[81] The homeless French privateersmen of Guadeloupe, the Haitian free negroes such as those whom New Orleans had rejected,[82] the adventurous young Gascons and Creoles and speculating merchants of the town, all responded with enthusiasm. So in the year 1812 were formed the "hellish banditti" of Barataria.

Those simple souls knew that they were serving the southern patriots in an armed contest with Spain. Vaguely at first, more clearly in later days, they recognized what aid they were giving to two successive presidents of the United States in a nine-year diplomatic war against that same European power.

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[81] *Boletín de Historia y Antigüedades* (Bogotá), VIII, 163; Alexander Walker, *Colombia* (2 v.; London, 1822), II, 340; José Manuel Restrepo, *Historia de la Revolción de la República de Colombia* (4 v.; Besancon, 1858), I, 155, 273.

[82] *Cf. Claiborne Letter Books*, V, 4.

THE HUMORS OF THE DUELLO

By John S. Kendall

Although the history of dueling in New Orleans abounds in tragic instances, it would convey a quite erroneous notion of the code to imagine that all of the duels that took place here in the more-or-less "good" old times were characterized by the same ferocity or terminated in the same grave manner. As a matter of fact, there was not infrequently mixed with these performances a kind of grim humor which to some degree mitigated their savagery. Even when the outcome was not altogether pleasant for the victim, one finds occasionally, in the stories that have come down to us of these affairs, a sort of poetic justice that is almost entertaining; as, for instance, the account of the duel between the fencing master, L'Alouette, and a nameless Acadian farmer who humbled his pride most effectually. L'Alouette, it will be remembered, was the principal in more than a score of combats, many of which had terminated fatally. He had gone to a dance in the country, some twenty miles up-river from New Orleans. There he swaggered insolently amongst the rustics, delighted to find himself the center of attention. Was he not the celebrated New Orleans swordsman and pistol-shot? Who would venture to interfere with his pleasure? The situation rather went to his head. He talked much, drank more, and wound up by grossly insulting one of his fellow guests, a loutish farmer, big and clumsy, who knew nothing and cared less about the code, but had a bold heart and that simple dignity which one still finds among the Acadians of Louisiana.

"This does not end here!" he said quietly as he turned to leave the scene of festivities. That was much to say to a man like L'Alouette. What a pity we do not know the name of that valiant farmer!

The dance lasted till the early hours of the ensuing day. Then the guests mounted their horses to ride back to New Orleans. Alas, L'Alouette was no horseman! It was all he could do to remain on his nag's back. The hands which managed the foil and the pistol with such unrivaled dexterity had all they could

do to guide the beast in the way it should go. When, therefore, a mile or two from the primitive edifice where the dance had taken place, he perceived in the half-light of early dawn a mounted man waiting in the road, he was in no position to defend himself. It was the Acadian farmer whom he had so unnecessarily offended. In his hand he held a whip, one of those short-handled, long-lashed, cruel implements with which the Acadians still drive their cattle to market. It was clear that he meant to use it. Riding up to the famous duelist, the dead-shot, the invincible swordsman, the farmer lashed him across the face and then systematically from head to heel, first on one side and then on the other, until L'Alouette, exhausted and bleeding, toppled from the saddle. It must have been pretty bad, for L'Alouette, subsequently describing the affair to a sympathetic audience in New Orleans, said that he had suffered "tortures worse than hell".

Of course, he sent a challenge to the plucky Acadian. Under the French code of honor, this conferred upon the farmer the right of selecting the weapons. He chose axes. The Acadians are experts with the double-bitted, razor-keen tools which they use to fell timber, whereas L'Alouette scarcely knew one end of an axe from the other. Even that stout heart recoiled from the prospect. That is how it happened that one eminent New Orleans *maître d'armes* carried to the grave a welt across his cheek for which he dared not demand revenge.

One of the most curious stories in the annals of New Orleans dueling is preserved in the memoirs of that flamboyant individual, Vincent Nolte. Nolte was a banker in New Orleans in the early years of the nineteenth century. He has a small place in history as the man who owned the cotton bales that Andrew Jackson built into the breastwork at Chalmette—or did not so build—what time the British undertook to capture and plunder the city of New Orleans. Nolte did valiant service on that memorable field, if we may trust his own account, and there is no reason to doubt it. He came to New Orleans from Germany but took over the Gallic prejudices of his new place of abode and fought more than one duel without suffering any harm.

His affair with Joseph Saul, cashier of the Louisiana Bank, was unique, in that the quarreling was done by Nolte, but the fighting was done for him by "my friend Nott". Some time before he fell out with Saul, Nolte says he was thrown from a

horse, and "my head was severely wounded, my right arm broken at the elbow so that I have never since been wholly able to straighten it out." But these injuries did not restrain the bellicose Teuton. He and Saul met on a New Orleans street. Hot words ensued. Blows were exchanged. Saul knocked Nolte down. Nolte scrambled to his feet and ran away. He himself tells us that he ran away. Saul overtook him, knocked him down again, and pounded his thick German skull on the sidewalk until Nolte lost consciousness. Then "my friend" Nott came to the rescue and, since Nolte, with his injured arm, could not fight, offered to take his place and actually did so. This is, I believe, the only instance on record of so Quixotic a proceeding—at least, the only one in the annals of dueling in New Orleans.

The weapons were pistols. Saul was wounded slightly in the side. "The only thing that saved his life," writes Nolte, scornfully, "was the silk bandage ten yards in length which he wound many times around his body, which deadened the force of the pistol ball." That was a clear infraction of the etiquette of the duel, where such defenses were utterly and properly condemned. But what could you expect? Saul, as Nolte contemptuously explained, "was an Englishman"!

At last Nolte recovered sufficiently to fight his own battles. So he dispatched his seconds to Saul. Saul answered: "Having fought once already over our little unpleasantness, I do not feel that it is incumbent on me to gratify your unreasonable request." Thereupon Nolte "posted" his recalcitrant adversary. That is, he had their correspondence printed and, underneath, in insultingly large characters was the line, "I therefore denounce Joseph Saul as a rascal and a coward." This defamatory publication was stuck up at the street corners and gave Nolte much satisfaction, but insofar as it was designed to goad the "Englishman" into fighting a second time, it proved wholly inefficacious. Saul simply ignored it. And that was that.

Moreover, who does not recall with amusement the story of a duel fought on horseback between a young Creole named Alexandre Couvillier and an officer of the United States Army on duty in New Orleans, named Schomberg? This duel was fought at D'Aquin's green, a spot then a little above the city of Carrollton but long ago included within the limits of New Orleans. The combat came to an abrupt termination when, in a desperate

attempt to split his adversary Couvillier's sword severed the jugular vein of Schomberg's horse, which died on the spot. This prevented the duel from being continued.

Some time later, Couvillier died—from natural causes, be it understood, totally unconnected with this particular encounter. His brother, Adolph, took charge of his property as executor. He received a letter from Schomberg, reminding him of the duel and of the death of the horse and explaining that he had borrowed the animal from the colonel of his regiment for the occasion, and the colonel had unkindly compelled him to pay for it, to the tune of some $500. Schomberg suggested that, under the circumstances, the Couvillier heirs owed him the money or, at any rate, if not all, then a substantial portion of it.

Amused and irritated at the effrontery of this letter, Adolph Couvillier replied that, as his brother's executor, he had charge not only of his estate but of his quarrels, and that he would willingly reimburse Lieutenant Schomberg for the loss of the horse, provided he would consent to meet him and finish the combat. It is hardly necessary to say that the proposition was not accepted.

Another episode not devoid of humor may also be cited. This was the famous case of the Chevalier Tomassi, a man of great learning and very positive opinions, who appeared in New Orleans about the year 1840. He was interested in the Mississippi River and wrote a letter to one of the local newspapers suggesting means by which its annual overflow might be restricted. He would, he said, either stop the river altogether, or deepen it, or restrict it within boundaries to be indicated by the French Academy of Sciences. The style of the article was dogmatic and aggressive and gave great offense, especially one statement, that the Academy was as omnipotent in physics as the Sorbonne was in philosophy. Moreover, he thought that Americans were an ignorant tribe expelled from Europe for their stupidity and crimes.

A few days later, when the Chevalier was amplifying his published statement for the benefit of a little audience at one of the cafés of the city, a Creole who happened to be present interposed the remark that the Mississippi was a headstrong stream and that probably the calculations of the Academy, based

upon its experience with the smaller European rivers, would not serve in dealing with so formidable a body of water.

Tomassi made a gesture of disdain. "How little you Creoles know of the World!" he said. "Why, there are rivers in Europe, compared to which your Mississippi, figuratively speaking, is but a dirty gutter."

To this the enraged Creole replied: "Sir, I will never permit the Mississippi river to be defamed in my presence by an ignorant upstart like yourself!"

A challenge followed. They fought with colichemards. The Creole proved much the better of the two with this weapon and, with a skilled twist of the wrist, managed to cut open his adversary's mouth from one cheek to the other—that very mouth which had presumed to speak so contemptuously of the great river. The Chevalier, however, does not seem to have taken the hint. For, as soon as he was sufficiently recovered to be able to speak at all, he explained that but for the miserable character of the American steel, he would infallibly have slain his antagonist before the latter had a chance to vindicate the dignity of the Mississippi in the unique fashion which he had employed.

"My sword, sir," said the Frenchman, "doubled in my hand like lead. Had it been a genuine European blade, he would have fared properly for having dared to outrage the feelings of a Frenchman and a gentleman!"

There is the story of another duel which is not only amusing but has a touch of chivalry that puts it in a class almost by itself. This is the duel between Chief Justice Bermudez, of the Louisiana State Supreme Court, and a member of the faculty of the College d'Orleans, Lapouse by name. In the dueling days of New Orleans, the higher a man's station in life happened to be, the more certain it was that sometime or another, he would have to fight. This was particularly the case when one was active in public affairs. Not even the fact of his judicial position saved Bermudez from challenge. The meeting between him and Professor Lapouse resulted from some foolish newspaper publications regarding the college where the latter was employed. Lapouse was a poet of some merit, charming in manner, simple as a child. Gayarré, who drew his portrait in his *Fernando de Lemos,* does not do justice to his amiable character. Save when contradicted in some hobby—and he had many—Lapouse was the least quarrelsome

of men; but then, angered, and perhaps under the influence of wine, he could be caustic and offensive. Fear, however, was foreign to his nature. Though he lived in a dream world of his own, duty was his guide.

Annoyed by Bermudez' attitude with regard to the articles in question, Lapouse felt that he was bound, as a member of the faculty of the institution under criticism, to call out the distinguished jurist. He did not hesitate, although he knew that the judge was one of the best pistol shots in New Orleans.

Bermudez, as the challenged party, exercised his right of naming the weapons. He selected pistols. Professor Lapouse had the privilege of fixing the distance. He set it at five paces. The usual distance was ten paces, but, as Lapouse was near-sighted and could not see his antagonist distinctly so far away, he declared for the shorter interval, although, under the circumstances, it made a fatal result almost inevitable. "Oh, well", said the old gentleman, "he will kill me, no doubt, but I shall have the satisfaction of hitting him."

Bermudez was extremely loathe to proceed with the affair. He had no wish to harm the amiable, high-spirited poet. But he had suffered a public affront, and, according to the ethics of the day, there was no course open to him but to go on. The two men faced each other. The seconds were busy loading the pistols. Then Lapouse, in accordance with a lifetime custom, took out his snuff box, offered a pinch to each of the seconds, and forgetting the mortal difference which existed between him and the famous jurist, and remembering only the rules of courtesy by which his whole life was regulated, he advanced the five paces between himself and Bermudez with the snuff box in his outstretched hand.

"Permit me to offer you some snuff!" he said.

Bermudez was astonished. That was not in the code. People who are about to kill one another do not join in a pinch of snuff.

Lapouse perceived his hesitation and misunderstood its cause.

"Oh," he exclaimed, "it's the genuine Macouba! You will like it! Do take some!"

Bermudez bowed deeply. He took some of the brown, powdery substance in between his fingers and applied it to his nos-

trils. "There was something sublime in that incident", said one of the seconds afterwards. "It was an unconscious combination of courtesy, valor, and elegance. They did not know what fear meant. In the presence of death they knew how to be polite." A moment later they were looking at each other along the length of the shining steel barrels. At the word they fired. Both missed.

Their seconds leaped forward. They urged reconciliation. Each man had faced the other's fire. Honor was satisfied. And the two embraced. Thereafter, they were friends until death. But Judge Bermudez would never admit publicly that he deliberately fired wide. "That pinch of snuff," he would say, "the kind and affectionate face of that scholar and poet paralyzed my nerves at the moment of firing."

Similarly diverting anecdotes might be multiplied indefinitely, but space permits us to include here but one other. The story, however, is pure comedy.

Two young New Orleans gentlemen who survive to history only as Antoine Des.... and Cadet Dug.... (That is the way the old records give their names) fell out, as young gentlemen will. One challenged, the other accepted, and they met "at the Basin of the Old Marigny Canal", near where the Shell Beach depot later stood, on Goodchildren Street (now St. Claude Avenue) between Elysian Fields Avenue and Marigny Street. And there on the field of honor, they discovered by some oversight that only one weapon, a flint-lock pistol, had been brought to the scene.

"Well, one pistol is enough," said the cadet.

His adversary agreed.

The seconds cast lots to determine who would get the first three shots at the other at five paces. Antoine Des.... won. The cadet calmly stood up to face death. The loaded pistol was handed to Antoine. He aimed, pulled the trigger. The pan didn't even flash. There was no report. One shot was gone. His seconds examined the pistol. It seemed all right. They cocked it, handed it to him again, and again he aimed and pulled the trigger. It refused to fire. Two shots gone.

The cadet stood there, looking chagrined. It was his pistol. It had never behaved like that before.

"Frote zongues á vous, sur la pierre!" he called angrily to his adversary. "Il va parti coup ci lá! Scratch the flint with your thumb nail! It'll shoot then."

That was the way they treated a flint-lock that wouldn't fire the priming. Antoine's seconds scratched the flint. Again Antoine aimed and pulled the trigger. For the third time the pistol failed fire.

The two looked at each other, and the cadet's curses suddenly changed to laughter. Both laughed, as the absurdity of the show struck them. Both embraced.

Sometimes these duels attained a comic-opera character which makes the present-day student laugh a little scornfully to see how, even as late as the Civil War, people persisted in the practice without any apparent realization of the utter absurdity of it all. In the New Orleans *Delta* in the summer of 1859, there appeared a paragraph reprinted from the *Coast Journal*, a weekly newspaper which seems to have been an ornament in literature on the lower Mississippi River, which deserves to be reprinted here in its entirety:

> On Thursday the 22nd ult., F. C. Aubert, of the Independent Vigilant, and E. Supervielle, of the Drapeau de l'Ascension, left here on the Vicksburg packet en route to Mississippi, to fight a duel. The affair came off at Fort Adams, and resulted in the wounding of Mr. Aubert in the right hip. His wound is not considered dangerous. Mr. Supervielle was not harmed.
>
> A pleasing incident in the matter marked the dealings of the two principles. Perceiving that Mr. Aubert would be obliged to remain at Fort Adams because of his condition, his adversary kindly offered to attend to the editing of the Vigilant until Mr. Aubert recovered sufficiently to return to his post; and Mr. Aubert gratefully accepted the offer. Courtesy like this can be appreciated by everyone and is creditable to both parties.

One would hardly think that chivalrous foolishness could be carried to a more fantastic extreme.

The impression exists that to receive a challenge implied no alternative but acceptance. That, in a general way, was true. You could not decline to fight and retain your honor. Yet there was one man in New Orleans who committed this unpardonable offense and emerged with his honor unsullied. That was Charlie

Patton. It happened back in the 1840s. Patton was handsome, young, well-bred, a successful business man, and a passionate lover of wine, cards, and women. He was the leader of the fast young set called the "Roistering Blades". He was said to be a dead shot and expert swordsman, and had fought many duels. One of his closest friends was Ferdinand Gayarré. No one knows what it was they quarrelled about. The argument grew heated. Suddenly Ferdinand Gayarré slapped Patton's face. That was an unforgivable insult, to be wiped out only in blood.

Patton drew a deep breath.

"Come here," he said to the group who had seen what had happened. "Closer!" They gathered around him. "Gentlemen", said Patton, "you have seen Ferdinand Gayarré slap my face. You expect me, no doubt, to send him a challenge. I shall not do anything of the kind. My reasons are locked up in here." He pointed at his heart. "But," he said, slowly and deliberately, "if any man here doubts my courage in the least, let him step forward, if he dare, and I will at once make him change his opinion."

Not a man stepped forward. Ferdinand Gayarré suddenly burst into tears. Rushing forward he embraced his old friend and apologized. Another fantastic chapter in the fantastic history of New Orleans dueling had been written.

One naturally becomes curious about the "code" so frequently cited in the foregoing pages. What was it? Was it ever anything more than a sort of etiquette, existent only in the minds of men familiar with the "field of honor" and its customs? Was it a sort of ritual which the "seconds" imposed arbitrarily upon their "principals", more or less spontaneously worked out on the scene or agreed to just before the combat was joined?

Partly that, of course. But toward the middle of the last century, if not earlier, all the recognized uses of the duello, as practised in New Orleans, were reduced to writing, and there are extant today copies of various little works in which one may find out just how, when, and where to be insulted, and what to do when assured of the unpleasant fact.

Don José Quintero, a Cuban who settled in New Orleans in 1866 and who was a recognized authority on the subject, was the author of a booklet of this description. It was published in New Orleans in 1873 by Clark and Hofeline, an old-fashioned

printing house which abandoned the struggle for life many years ago. Quintero was a picturesque old fellow, just the kind of chap whom you would expect to take dueling seriously. He was just thirty-two years of age when he decided to make New Orleans his home, but what a lot of excitement he had managed to crowd into those brief years! He had taken an active part in the Cuban insurrection of 1849, had been captured by the Spanish, imprisoned in the Morro at Havana, escaped from that gloomy old prison, and found asylum—of all places!—in Boston. There he wrote for the newspapers, translated Longfellow into charming Spanish verse, and furnished Edward Everett Hale with the materials for "Philip Nolan's Friends". Then Quintero went to Texas to practice law, and there he met and became intimate with Mirabeau B. Lamar; and, gentle reader, let me assure you, no ordinary man might long be friends with that extraordinary old firebrand. Thereafter Don José edited the Spanish section of *Frank Leslie's Popular Weekly*, a publication which, fifty years ago enjoyed an immense circulation in the United States and throughout Latin America. Finally he came to New Orleans and identified himself with the newspaper profession here, and, as a working journalist, he earned a precarious living—as was the fashon in that line of endeavor even in those days!—till he died.

Both in his native land and in his adopted one, Don José Quintero figured in an endless series of duels. He regarded the "code" as a highly beneficient institution, useful in peace as well as war. In the introduction to his little book, which, by the way, bears the title, *The Code of Honor*, he sets forth his own attitude on the subject. He says:

> The following document is one often cited and assumed to be acted on, by persons whose conceptions of its terms are vague and wild, and who are often grossly ignorant of its spirit and requirement.
>
> It is a digest of the usages of gentlemen of the world, in cases of personal difficulty. It was long since published, and has been adopted by the best clubs in England and America, as embodying the most discreet, moderate and humane rules ever used in the management of such affairs.
>
> Its rules are applicable not to noncombatants, but to gentlemen who, being involved in personal difficulties, propose to settle them according to the recognized proprieties of the civilized world. Such persons being in most Southern

communities, the proper conduct of quarrels is a matter of sufficient interest to warrant the republication of the code as a matter of information.

The ruffianly encounters, the blackguard street fight, and the savage butcheries so common and sometimes vulgarly and absurdly confounded with the duello, are outside the pale of the code of honor, and at war with its positive injunctions. It discountenances the bearing of arms, assumes that gentlemen do not wear them, and prohibits the combat in hot blood, at the moment of injury or under excitement. It takes all quarrels out of the hands of the principal parties and places them for settlement in the hands of seconds, supposed to be, and counseled to be, cool and dispassionate, making them responsible to the public opinion of the community for the result in each instance. It requries that an opportunity shall be allowed to explain, apologize for and peaceably adjust every quarrel capable of such a termination. Under its rules, if carried out on both sides, few difficulties are incapable of adjustment, and few difficulties can take place. By it thousands of quarrels have been satisfactorily arranged. In cases where efforts at reconciliation fail and the parties will fight, the code assures a combat conducted in fairness and with the utmost humanity consistent with the purpose and the nature of the quarrel.

The code is certainly a vast improvement on the ruffianly and vulgar practice of habitually wearing arms and shooting on the slightest provocation and with murderous intent.

Here are some extracts from Don José's curious little book:

"Whenever you believe you are insulted", he says, at the beginning of Chapter I, "if the insult be in public, and for words or behavior, never resent it there, if you have the self-command to avoid noticing it. If resented there, you offer an indignity to the company, which you should not."

But if the insult be by blows, "it may be resented at the moment, for the insult to the company did not originate with you."

Having received the insult, you are compelled to be silent; look up a friend and put the entire matter in his hands. That friend assumes the entire management of the prospective duel. He isn't to consult you oftener than necessary—preferably not at all—until the matter is arranged one way or the other. The second is advised "to use every effort to soothe and tranquilize your principal, not to see things in the same exaggerated light

in which he views them, extenuate the conduct of his adversary whenever you see clearly an opportunity to do so, without doing violence to your friend's irritated mind."

The negotiations, whether verbal or in writing, must be couched in respectful language. When the second presents his preliminary communication—which, apparently, must always be in writing, if the directions of *The Code of Honor* are observed punctiliously—"you are entitled to demand a reason for his refusal", if the insulter refuses to receive the communication. "If he refuses to give you a reason, and persists in such refusal, he treats not only your friend, but yourself, with indignity; and you must then make yourself the actor, by sending a respectful note requiring a proper explanation of the course he has pursued towards you and your friend; and if he still adheres to his determination, you are to challenge or post him."

"Posting," as we learn in a footnote, may be accomplished by the publication of "a card" in some newspaper—a concession to modern conveniences which somehow jars one's sense of the fine mediaevalism of *The Code of Honor.*

But "if the person to whom you deliver the note declines meeting your friend on the ground of inequality, you are bound to tender yourself in his stead". Nevertheless, when this eventually happens, the seconds of the second are to adjust the quarrel in all cases except where the second expressly takes upon himself the quarrel of the principal. "The true reason of substitution is the supposed insult of imputing to you the inequality charged upon your friend, and when the contrary is declared, there should be no fight, for individuals may well differ in their estimate of an individual's character and standing in society." This clause, it must be confessed, isn't clear, but it seems to open up a delightful way of getting out of the necessity of battle.

The subject of Chapter II is "The Party Receiving a Note Before Challenge." It appears that "you may refuse to receive a note from a minor, if you have not made an associate of him; one that has been posted; one that has been publicly disgraced without resenting it; one whose occupation is unlawful; one who is in his dotage, or a lunatic."

The author remarks, parenthetically, that "gentlemen seldom insult each other unless they labor under some misapprehension or mistake," and he makes it the duty of the second to

ascertain what this mistake is, and then "to follow each movement to the time of sending the note, and harmony will be restored."

In Chapter III we reach the "counterback quarrelsome", or what in the "code" passes therefor. This chapter is headed "Duty of Challengee and His Second Before Fighting." "After all efforts for reconciliation are over", continues the code, "the party aggrieved sends a challenge to his adversary, which is delivered to his second. The old notion that the party challenged was authorized to name the time, place, distance and weapon has long since been exploded, nor should a man of chivalric honor use such a right even if he possessed it. The time must be as soon as practicable, the place such as ordinarily has been used where the parties are, the distance usual, and the weapon that which is most generally used, which, in this country, is the pistol. If the challengee insists upon what is not usual, and if he refuses to give satisfaction, then your friend may post him". But if the challengee desires a weapon more fatal than ordinary, then "you have the right to tender a still more deadly distance and weapon, and he must accept"—which isn't a very cheerful alternative, to be sure.

"The challengee has no option when negotiation has ceased but to accept the challenge."

In Chapter V we reach the fatal scene. "The principals are to be respectful in meeting, and neither by look or expression to irritate each other." Apparently they are not even to smile at the ridiculousness of the whole proceeding. "They are to be wholly passive under the guidance of their seconds. . . . Wooden pegs are driven into the ground where the principals are to be posted. When once posted they are not to quit their positions under any circumstances without the leave or by the direction of their seconds. Each second has a loaded pistol in order to enforce a fair combat according to the rules agreed on; and if a principal fires before the word or time agreed on, he (the second) is at liberty to fire at him, and if such second's principal falls it is his duty to do so. If after a fire either party be touched the duel is to end, and no second is excusable who permits a wounded friend to fight." This idea is that the nerves are affected by a wound, which seems an entirely reasonable supposition.

If after an exchange of shots neither party is hurt, the seconds are to consult as to the continuance of the encounter, and, if the cause of the trouble be slight, the second of the party challenging should declare the point of honor satisfied and the battle at an end. The other second, representing the challengee, should accept this decision, whereupon the bloodthirsty principals are supposed to meet on middle ground, shake hands, and become friends again.

But if the insult be of a serious character, then the second of the challenger has the option of ordering the continuation of the duel.

If the parties refuse to be reconciled at the end of the duel, when the combat is terminated by the seconds, the seconds are advised to withdraw from the field and refuse to have anything further to do with the quarrel. On the other hand, if the principals, either or both, refuse to fight or to continue fighting according to the directions of the seconds, then the second of the party offending must apologize to the second of the other principal for "having come upon the field with a coward, and you are at liberty to post him".

> When the duel is ended by a party being hit, it is the duty of the second of the party hit to announce the fact to the second of the party hitting, who will forthwith tender any assistance he can command to the disabled principal. If the party challenging hit the challengee, it is his duty to say he is satisfied, and will leave the ground. If the challenger should be hit, the challengee being informed of it should ask, through his second, whether he was at liberty to leave the ground; which should be assented to.

In Chapter VI it is provided that among those present at the encounter, besides the principle and his second, there may be a surgeon, assistant surgeon, and any number of friends that the seconds may agree to allow to attend the ceremonies. Certain persons related to the principals are, however, excluded.

> The arms should be smoothbore pistols, not exceeding nine inches in length. . . .
>
> Each second informs the other when he is about to load, and invites his presence, but the seconds rarely attend on such invitations, as gentlemen may safely be trusted in the matter. . . .
>
> The second in presenting the pistol to his friend, should never put it in his pistol hand, but should place it in the

other, which is grasped midway, the barrel with the muzzle pointing the contrary way to that which he is to fire, informing him that his pistol is loaded and ready for use. Before the word is given the principal grasps the butt firmly in his pistol hand, and brings it round, with the muzzle downward, to the fight position.

The fighting position is with the muzzle down and the barrel from you, for although it may be agreed that you may hold your pistol with the muzzle up, it may be objected to, as you can fire sooner from that position, and consequently have a decided advantage, which ought not to be claimed, and should not be granted.

The little work concluded with a Chapter on "The Degrees of Insult, and How Compromised". This is worth quoting in extenso:

First—The prevailing rule is that words used in retort, although still more violent and disrespectful than those first used, will not satisfy, words being no satisfaction for words.

Second—When words are used and a blow given in return, the insult is avenged, and if redress be sought it must be from the party receiving the blow.

Third—When blows are given in the first instance and not returned, or if the person first striking be badly beaten or otherwise, the party first struck is to make the demand, for blows do not satisfy blows.

Fourth—Insults at a wine table, when the company are overexcited, must be answered for, and if the party insulting have no recollection of the insult, it is his duty to say so in writing and negative the insult. For instance, if a man should say, "You are a liar and no gentleman", he must in addition to the plea of want of recollection say, "I believe the party insulted to be a man of the strictest veracity and a gentleman."

Fifth—Intoxication is not a full excuse for insult, but it will greatly palliate. If it was a full excuse it might well be counterfeited to wound feelings or destroy character.

Sixth—In all cases of intoxication the seconds must use a sound discretion under the above rules.

Seventh—Can every insult be compromised? is a mooted and vexed question. On this subject no rules can be given which are satisfactory. The old opinion that a blow must require blood is not of force. Blows may be compromised in many cases. What these cases are depends upon the seconds.

Such were the provisions of the code. By studying them carefully one may become an efficient and successful duelist, if that be desired. But one looks in vain in *The Code of Honor,* for certain rules that, one would imagine,.would be necessary in the present epoch. For instance, what must one do when the policemen arrive? Also, what arrangements would be proper to make with the moving picture companies?

But taken by and large, *The Code of Honor* which Señor José Quintero wrote more than half-a-century ago is a most ingenious and entertaining work. I wonder if it is ever consulted seriously nowadays? If so, I am sure that the only place in the United States where that is likely to happen is New Orleans.

From the standpoint of the present time, dueling is a criminal act, and duelists are hardly to be distinguished from other murderers. In that sense, the greatest murderer that New Orleans has ever known was Pepe Llulla; for he was the city's most remarkable, persistent and successful duelist. Pepe Llulla was an exceptional individual. When he died, March 6, 1888, the newspapers which chronicled his passing saluted his memory with the deference which ordinary men owe to superior talent. He was, they said—and said truly—the last of the famous masters-at-arms for which the Crescent City had at one time been famous. He had trained up generations of duelists, had presided over countless "affairs of honor", and had figured in so many such events that he himself lost track of them and could give only an approximate number.

A slender, wiry old gentleman, very suave of manner, with the low voice and grave demeanor of a typical Spaniard—such was Pepe Llulla, retired duelist and—how appropriately things fall out occasionally!—proprietor of a fashionable cemetery in the lower section of the city. Not a cemetery of his own, precisely; that is, not for the accommodation of his victims; but a square of ground in which Llulla sold lots, built tombs, and generally made things pleasant for patrons who desired to lay to rest in its hallowed precincts those of their dear ones who had entered into their reward. Pepe ran the cemetery excellently well; and indeed why not? Hadn't he had experience?

His name was really José Llulla—"Pepe" was merely a Spanish nickname equivalent to our good old English name of Joe. He was born near Port Mahon, in the Balearic Islands, in 1815,

within the decade following Napoleon's Peninsular campaign, when the war cries of the Spanish patriots were still ringing over the land. At an early age he formed that liking for firearms and weapons of defense which was to remain with him throughout his life. As a mere boy his imagination was impressed by the tales of adventure related by sailors who visited his father's home. Port Mahon is a seafaring community. It was inevitable that the lad should think of ships and far voyages as the kind of things with which his future should be filled. When at eventide his father's tarry guests sat around a friendly glass of the heady Balearic wine, in the shadow of the porch in the little white house of the Llullas overlooking Port Mahon, and told of distant lands and strange experiences, little Pepe's imagination followed the winged words. He knew what he should be and where he should go.

One day an American vessel put into Port Mahon. The master met the Llullas, father and son. He needed an intelligent lad on his boat as a cabin boy. Would Pepe like to go? One can imagine how the youngster's eyes widened with surprise and joy, and how he turned questioningly to his father, and how the father, after a moment's grave reflection, nodded his head in slow affirmation. That determined Pepe's life. He went to sea, and never did he come back to Port Mahon or the white house on the hillside. Far away he wandered, and many were the lands he visited, and strange were his adventures—stranger than any that the nautical visitors at his father's home had told him.

He served on many ships, and the masters of some of them tried to get Pepe to study navigation, but he preferred the hard life of the sailor before the mast. At least for a time; for eventually he gave up the sea to settle ashore in New Orleans. Being a powerful and determined young fellow, he found employment in a sailor's boarding-house as a maintainer of the peace of the establishment.

It was in those days that Pepe Llulla began visiting the fencing schools of New Orleans. Like all good Spaniards, he was a master of the knife, but he soon acquired also great skill as a fencer. Pepe Llulla studied principally under L'Alouette, who found after a time that his pupil excelled him. L'Alouette made Llulla his assistant. Then Pepe studied the use of other varieties of weapons; the saber, with which he became the greatest

expert in the South; and the broadsword, with which he afterwards worsted more than one English teacher. With the rapier and smallsword he was almost invulnerable.

Pepe Llulla was equally skillful with firearms. Many strange yet true incidents are related about his marksmanship. Friends held coins in their fingers and a pipe between their teeth for him to shoot at. Never did he fail to hit it. In early years he would often balance an egg on the head of his little son and break the shell with a pistol at thirty paces. With a rifle he seldom failed to hit any small object thrown in the air.

Then, strangely, the passion for the American bowie-knife swept New Orleans with the increasing flood of the American invasion. It was the last possible test of courage. Few if any came out unscathed in a bowie-knife duel. Mostly they were fought with the combatants each holding opposite corners of the same handkerchief with their left hands and the bowie-knives in their right. You were disgraced if you let go the handkerchief before your man was down—or you. The best technique was to intercept your adversary's blade with your left shoulder, taking the inevitable wound, and disembowling him before he could get his knife into play again. Not long after the bowie-knife was introduced to New Orleans, L'Alouette insisted upon a public contest with Llulla with wooden blades. They met, and L'Alouette, finding himself repeatedly touched, lost his temper and made a violent assault on the Spaniard who countered so heartily and so expertly that the fencing master was thrown to the floor with two ribs broken. The friendship between the two men, which this incident for a time disturbed, was eventually renewed, and L'Alouette died in Llulla's arms. The profession of fencing master was very remunerative in those days, but it did not suit the character of Pepe Llulla. He employed assistants to attend to his "salle d'armes". It was then that he began to lay the foundation of his fortune. He engaged in numerous business enterprises with success and invested his gains in the Louisa Street cemetaries.

The Civil War came and found Llulla faithful to the Union. When it was over, he bought the island of Grand Terre, situated near Grand Island, in the Gulf of Mexico, just near the Louisiana coast. Here he successfully raised stock and cattle. About 1884, however, a storm swept over the island and destroyed hun-

dreds of head of cattle and sheep. It was a long time before Pepe recouped the losses then sustained. In his last days he led a modest, retired life, preferring the quiet and solitude of Grand Terre to the noisy scenes of city life. Just before he died, he purchased a large tract of land in Chenière Caminada and contemplated the planting of a vast orange grove.

It would be almost impossible to give a complete schedule of the duels in which Pepe Llulla figured, sometimes as principal and more often as second. He was the advisor of many New Orleans duelists, and acted as second in more than a hundred bellicose meetings. He had twenty or thirty affairs of his own, but those whom he challenged, with few exceptions, apologized on the field or failed to put in an appearance. Some of them tried to offset Pepe's admitted superiority in skill by proposing strange conditions under which the combat might take place. Some proposed to fight with daggers in a dark room; some with knives inside a sugar hogshead; some wanted a duel with revolvers, each of the principals to hold one end of the same pocket handkerchief; some proposed that lots should be drawn for two pistols, one empty and the other loaded. But none of these fantastic duels were ever fought. Llulla was willing to accept these propositions. He even agreed to the idea that both principals and witnesses should "fight with poisoned pills", lots to be drawn for the pills. The seconds declined to countenance this procedure as foreign to the spirit of the code.

Pepe Llulla's first business venture was a small grocery and barroom near the Jackson Barracks. As soldiers in all countries and at all times had never been adverse to drowning their woes in a friendly glass, and those at Jackson Barracks proved no exception to the general rule, the business prospered from its inception. Señor Llulla had no reason to be ill-pleased with his adopted country.

However, among the soldiers who frequented the little café, there was one who had the temerity to dispute the amount of a bill with the proprietor, and, as the argument waxed stronger, the soldier added emphasis to his words by hurling a glass at Pepe's head. This act, coupled with the fact that a man had dared dispute the statement of Don Pepe, so infuriated him, that, just as a second glass was about to follow the first, he seized a bar of iron, and with a formidable blow crushed the skull of the unfor-

tunate military man. Already was Señor Llulla building up a reputation that was to awaken terror in the heart of many an adversary in after years.

An Orleanian who knew Pepe Llulla well, lived near him, a neighbor of many years standing, once painted an unforgettable picture of the great duelist's later years. Pepe Llulla had bought a drinking place near his home. He didn't want strange trade. That saloon was a club for his neighbors and friends. His reputation as a duelist had spread so widely by then, that there were those who regarded his continued existence as a sort of affront to their own reputations for deadliness and began to seek out the aging man to force quarrels on him, trusting they would win fame as the slayer of Pepe Llulla. The veteran had no patience with them. So he installed a big bell that rang whenever the door of that saloon opened. And his neighbor remembered that no matter in what part of the saloon Pepe Llulla was standing when the bell pealed, he wheeled like a flash of lightning, his hands went to his armpits where he wore two pistols in shoulder holsters, and he stood, tall, arrowstraight, his hands on the butts of his pistols, facing the door to watch who entered. If it was a friend, he relaxed at once.

On another occasion, he journeyed across Lake Pontchartrain,—quite an adventure in those days of slow locomotion,—to take part in a duel, when his second was no less a personage than a Governor of Louisiana, precisely which one, tradition unfortunately does not say. Previous to this, Don Pepe had boasted that he would run his sword through the vest button of his antagonist, but this promise was received with marked skepticism by friend and foe alike. Nevertheless, upon the appointed day, when the signal to begin was given, the two duelists, in black breeches and low cut vests, advanced and faced each other, but, before the agile Spaniard's adversary could make the first parry, the Spaniard had given proof of his skill, and another victim was laid low at his feet. The vest, it is said, was long preserved by Señor Llulla's descendants as evidence of his dexterity, and up to a few years ago was exhibited in the sexton's office opposite the Louisa Street Cemetery, where those curious in such matters could confirm the fidelity with which the veteran had carried out his promise.

Another story is told of a venturesome gentleman of times gone by, who, believing his honor demanded it, challenged Llulla

to a duel. Exchange Alley was fixed as the meeting place, and, at the appointed hour, Llulla was on the scene, eager for an opportunity to display his skill, but there was no sign of the antagonist. Up to Canal Street Pepe walked, wondering at the cause of the delay and scanning the adjoining streets, but still his adversary failed to appear. Finally, after a prolonged wait, and to his great disgust, he was forced to abandon the proposed encounter. There had been one point of difference between this adversary and his predecessors; the latter had invariably lost their nerve upon seeing the Spaniard's sword, whereas the former's courage had failed him at the mere anticipation of it.

It is related that once on the field of honor a German fencing master announced the inability of his principal to fight and asked to be allowed to take his place. Llulla, who was also a second on the ground, replied that his party accepted, but in that case the German would deal, not with Llulla's principal, but with him. A moment later the German lay on the ground with both lungs transpierced.

Pepe Llulla became internationally famous as a result of his valor and patriotism in espousing the cause of Spain in 1873 and 1874. At that time there was a good deal of feeling in New Orleans against Spain on account of the revolt which had broken out in the island of Cuba and of the execution of Captain Fry and the filibusters of the "Virginius". Pepe covered the city with posters in English, in French, and in Spanish, challenging all Cuban revolutionaries to deadly combat. The challenge was accepted by a number of Cubans, but these afterwards refused to meet Llulla on account of his superior skill with weapons—a skill so universally admitted that they rightly regarded a duel with him as tantamount to suicide and, therefore, felt that their reputations for valor did not suffer any diminution when they declined to risk certain death at Llulla's expert hands. It was Pepe Llulla who saved the life of the Spanish consul by getting him safely out of New Orleans to the plantation of a compatriot, when a mob threatened to slay the representative of hated Spain. An Austrian officer named Meyer, who had served in Mexico under Maximilian and subsequently entered the service of the Cuban revolution, met Llulla on the field of honor with pistols, the conditions being that the combatants take post thirty paces apart, to advance and fire at will. The word was given; the

Spaniard remained motionless, but the Austrian, reserving his fire, advanced upon him. He raised his arm to fire, when Llulla, suddenly wheeling about, shot him through the lung, inflicting a serious wound and bringing the duel abruptly to an end.

For these achievements Llulla received congratulations from scores of persons in his native land. "Such telegrams", says one of his biographers, "came fluttering in daily, like Havanese butterflies, and solicitations for Pepe's photographs were made and acceded to, and pictures of him sold by the thousands". Finally, there came from Madrid a letter of cordial praise signed by the regent, Don Francisco Serrano y Dominguez, "regente de la Reina", and sealed with the great seal of the realm, and therewith the golden cross of the order of Charles III and a diploma conferring knighthood "libre de gastos" upon the valiant son of Spain who had fought so gallantly for the fatherland in faraway Louisiana.

This was much, but there was another tribute which Llulla must have regarded as the most significant of all the honors which flowed on him at this time—one which only Spaniards could have devised, and only a Spaniard could understand. From Havana came one day a portrait of Llulla, apparently executed in silken embroidery and surrounded by what seemed to be a wreath of laurel in the same lustrous black substance, and underneath, in black letters on a golden background, these words: "A Don José Llulla, decidido sostenedor de la honra nacional entre los traidores de la Nueva Orleans." But portrait and inscription and laurel wreath were woven of the shining black hair of Spanish ladies, who had sacrificed their tresses to make this touching offering to their valiant compatriot over-seas.

Now we come to an incident which became known only a few days before Pepe Llulla passed to his reward, though it had occurred several years previously. On the ninth day of January, 1877, when Thomas H. Handy was civil sheriff of the Parish of Orleans in which the city of New Orleans is situated, it became his duty to take possession of the Cabildo and install therein the judges of the Democratic supreme court. A compact, well-trained, resolute group of citizen soldiery accompanied him on his dangerous mission. The Cabildo was held by a force of Metropolitan police, and there was reason to apprehend that they would oppose a stubborn resistance to what had to be done.

As the party marched down Chartres Street, a quiet, determined-looking individual ranged himself at Handy's side. The building was reached, and Handy made a demand on the garrison for its surrender. Gray, the captain in command, refused, and the doors were immediately closed and barred. The citizens knocked for admittance without avail. Then the unobtrusive person who stood at Handy's right asked if Handy would like to address the men within. An affirmative answer was returned. The man bent his powerful body, and Handy, mounting on his back, was able to reach and break a transom over a window and, through the opening, renewed his demand for surrender. This time his words were heeded, the doors were opened, the judges were conducted up the broad old staircase to the upper floor of the Cabildo, and there installed.

This proved a turning point in the history of Reconstruction in Louisiana; for with the Cabildo in the hands of the Democratic court, the triumph of General Nicholls was complete, and the control of the state, long monopolized by corrupt politicians and ignorant Negroes, passed once more into the hands of the responsible white population. Both Handy and the unknown displayed the utmost gallantry in what they did, for they invited the fire of the Metropolitans, and neither was in a position to avoid instant destruction in the first volley.

Years passed. The gallantry of the unknown was remembered, but his identity was not established. One day, in conversation with a group which happened to include Pepe Llulla, Handy remarked that he would give much to know who was the "brave Irishman" who had raised him to the level of the transom.

"Am I an Irishman?" asked Llulla, smilingly.

"Was it you?" cried the bystanders; and Llulla, much embarrassed at their admiration, had to admit that the gallant stranger had been he.

Still another anecdote must be related before we bring this imperfect account of an extraordinary man to a close. In the *St. Nicholas* magazine for February, 1888, in an article entitled "An Ancient Haunt of Pirates", occurs the following reference to Pepe Llulla:

> Soon the slender white shaft of a lighthouse appeared ahead, and close by, the huge bulk of Fort Livingston, which commands the entrance to Barataria bay. Lighthouse and

fort are on an island called Grand Terre. Only one man stays in the fort, an old sergeant, who looks after the government property. The other persons living on Grand Terre are the lighthouse keeper and a Spanish gentleman named Pepe Llulla, who used to make sugar there till a tidal wave ruined his plantation, and who now raises cattle for a living. This Spaniard used to be a famous duelist in his younger days. . . .

A good story is told about this combative old gentleman. He had some difficulty with a former lighthouse keeper, who used to be his friend. A mutual acquaintance said: "You ought to be on good terms with each other. You ought to meet and arrange your little difficulty to your mutual satisfaction. Now, let me see Douglas and tell him you will meet him."

"Very well," replied the Spaniard, with his strong accent. "You may see Mr. Douglas and say to him that I am ready to settle our little difficulty. I will be on the beach tomorrow morning with my shotgun. Let him be there with his shotgun, and we will settle everything to his entire satisfaction."

Pepe Llulla was on hand at the hour he appointed, but the lighthouse keeper did not appear, and their quarrel has yet to be adjusted.

That was his last quarrel. Eventually, Llulla decided to leave Grand Terre. He came back to New Orleans and made his home with a daughter who had married there and whose husband was named Suarez. It was in her home on Louisa Street, near Robertson, that he died.

In these latter days, he was a sort of legendary hero in the Spanish colony in New Orleans. There were few Spanish homes in the old city where you did not see his portrait, the likeness of a keen-eyed, vigorous man, with a slightly curved nose, long, firm lips, facial muscles singularly well developed, and a beard in which the silver threads had become numerous. The face was a positive one, but not harsh, and the more one studied its expression, the more one felt attracted to its original. Pepe was, in fact, a man of fine instincts, generous to a fault, and charitable in endless simple, unostentatious ways. Ordinarily, he was as gentle as a woman. His was a nature as guileless and friendly as man was ever blessed with. In none of his duels, even at a time when dueling was virtually obligatory upon the masculine part of society in New Orleans, does he seem to have been actuated by motives other than those of disinterested patriotism or a curious

sort of impersonal professional pride. He appears never to have fought in a spirit of animosity or to gratify a desire for revenge. Dueling was, in fact, something of an art to him; about it and its tools he had the feeling that an artist has for canvas and brushes. It is said that he never accepted any gifts but of weapons. When he died, he left a veritable museum of rifles, swords, pistols, daggers, cutlasses, and other such lethal articles. The collection, which must have been very valuable, was preserved in Mrs. Suarez's home for many years, until the family eventually dissolved, as families will, and the old residence was abandoned. The two Suarez boys and their three sisters were long residents of New Orleans, the last representatives of one of the bravest and most distinguished of the adepts identified with the great period of the duel in this old Southern capital.

It was in the year 1857 that Pepe Llulla decided upon the purchase of the Louisa Street Cemetery. The place was already in use as a burial ground. Nevertheless, the people of the vicinity, intrigued by the legendary prowess of their neighbor, soon spread a report that all who fell by his hand found a resting place within the brick walls which environed this solemn spot. The Louisa Street Cemetery really came into existence in 1832, when it was laid out by a Spanish priest. Until it came into Pepe's hands, it was one of the least known of the numerous New Orleans cemeteries. But when he purchased it, its fame spread far and near, and visitors flocked thither to catch a glimpse of a quaint and characteristic spot. They were often piloted through the place by a tall, dark-complexioned sexton. Few of them realized that he who showed them so suavely and unobtrusively down the tree-hung aisles of the quiet graveyard was the hero of all those exciting tales that so intrigued their fancy when they heard them recounted elsewhere. Pepe went about his tasks as keeper of the cemetery without any indication of his ancient skill with weapons, but even there, it is said, it was not always safe to presume upon his mild demeanor; for with all his gentleness and amiability and consideration for others, Pepe Llulla was no man to meddle with.

Strange—was it not?—that so tempestuous a life should end admidst these surroundings. What must have been Pepe Llulla's sensations when his daily occupations brought him face to face with the tombs of those whom his deadly aim or trick of fence had deprived of life? Can you imagine what it would be like to walk through the silent alleys of the old cemetery at evening and spy

amidst the gathering shadows the freshly plastered slab "sacred to the memory of X," or Y, or Z, whom you had laid low the night before? Did Pepe give a sudden start? Did the blood run cold in his veins for a moment? Or did he linger for a second, meditatively recalling the fatal error, the fault of coödination, the tardy muscular response which were responsible for the tragedy, and perhaps remembering with pride the expert way in which he himself had taken advantage of that trifling mistake to drive his own blade home? Curious must have been the workings of that mind, so composed and gentle in ordinary life, so excitable and tempestuous when aroused, yet when once concentrated upon the nimble play of sword or the deadly precision of pistol or shotgun, as calm, steady and detached as that of the highly trained surgeon!

It was with a touch of pride that Philip Gleason, the old fellow who succeeded Pepe as sexton of the Louisa Street Cemetery, used to point out the tomb of his intrepid predecessor, with its simple inscription:

Joseph Llulla, Sr.,
Native of Mahon, Spain,
Died March 6, 1888,
Aged 73 Years.

Today the cemetery remains much as it was in Pepe's day, but the low white walls have been extended and embrace a wider area than they did then, so that there are now three separate burial grounds each known as a Louisa Street cemetery. One might think that half the population of New Orleans perished at Pepe Llulla's hands, so crowded with tall white tombs are every one of the three. But it requires only a moment's reflection to realize, that, after all, Pepe's contribution must have been small, and the legend that all of those who found a final resting place in the Louisa Street graveyards perished at his hand is merely a legend. Moreover, generations have come and gone since Pepe acquired the place, and time, not the indomitable Spaniard, is responsible for the numerous marble and brick tombs with their elaborate inscriptions. But, all the same, one cannot visit the Louisa Street cemeteries without a curious sensation crawling up and down one's spine, and a great thankfulness that even in New Orleans—its last sanctuary!—the practice of dueling has come to an end in these United States.

EARLY HISTORY OF THE WASHINGTON ARTILLERY OF NEW ORLEANS

By POWELL A. CASEY*

The recent decision of the officials of the Louisiana State Museum to assign a special room for the collection of Washington Artillery mementos has awakened a new interest in the early history of this old command, now known as the 141st Sep. Bn. F. A. (Mtzd.). It has seen service in every war of the United States during the last hundred years and attempts have often been made during the last few years to establish definitely the date when it began functioning.

When the capitol at Baton Rouge was destroyed during the Civil War all records in the Adjutant General's office pertaining to the military affairs of Louisiana were lost. Federal troops were occupying the building at the time and it is thought that these journals of military services back through French and Spanish colonial days were burned. An act of the Legislature during the 'eighties asking for their return raised the hope that they might have been sent North with the Federal army, but at any rate they have not been located. With them went the records of the Washington Artillery, one of the country's most famous military organizations, and it is a difficult task to ascertain its natal day. The unit of that name organized in 1818 has not as yet been directly connected with the present organization.

The first original source record reference to the Washington Artillery was found several years ago by one of its junior officers in the New Orleans *Commercial Bulletin* of May 20, 1838. It apparently is very close to the birthday or a date of reorganization of the unit and reads as follows:

> WASHINGTON ARTILLERY—Those gentlemen who have already submitted their names as members of this corps and those desirous of becoming so are requested to meet at 6 o'clock this evening at the Washington Guards Armory to make arrangements preparatory to parade of the 29th inst.
>
> E. H. KELLY, Lt. Col. 4th Regt. La. Militia.

* First Lieutenant of the Washington Artillery, now known as the 141st Separate Battalion Field Artillery (Motorized), Louisiana National Guard.

The year 1838 saw the rise of considerable rivalry and bitterness between the "French" and the "American" sectors of the city. It had been necessary to change the city form of government in order to secure peace between these diverse sectors, but no truce was signed by the military companies who carried on intense competition for popular favor. The lack of transportation facilities similar to those of today forced the young city to spend its holidays within the municipal confines. It doubtless is true that everyone loves a parade, but during that period Orleanians not only loved them but loved to be in them. His volunteer militia or fire company gave the citizen a weekly opportunity to meet his fellow men in the armory for drill, and many of the accounts read: "afterwards a bountiful repast was served during which many toasts were given." The research into the past glories of military companies is lessened by finding one of these banquets. Usually the newspaper accounts set forth the toasts in detail and one has only to follow down the list to get a chronological roster of the commanding officers and their deeds. We like to think that a sincere desire to honor past memories caused the dozens of toasts. There is room for a reasonable suspicion otherwise, however, when it is noted that as the banquet nears the end the cups are raised to quite commonplace things and the toasts become shorter. Apparently all toasts, even toward the bottom of the cups, to ex-commanding officers were laudatory—remarkable officers and more remarkable men.

Unfortunately no account of an early banquet of the Washington Artillery can be found. At any rate we know that they kept the military side going because a drill notice appears in August, 1838, and in September of the same year a resolution of the Council of the Second Municipality entrusts its two brass cannon to the Washington Artillery.

Notices in the papers call for drill several times a week and on September 7, 1838, the following officers were elected: E. L. Tracy, Captain; Wm. B. Smelser, 1st Lt.; T. W. Collins, 2nd Lt.; H. M. Summers, 3rd. Lt. Tracy was the first commanding officer of the outfit but equal credit is due to General Persifor F. Smith, one of Louisiana's most remarkable soldiers.

General Smith was a local judge of distinguished Pennsylvania lineage, who had for many years been associated with the military units in the city of New Orleans. He led ten of them

through the difficult Florida campaign in the Seminole War in 1836, served with unusual distinction in the Mexican War, and died in 1858 at Fort Leavenworth, Kansas, in command of the Department of the Pacific.

In 1838 when difficulties arose between the "American" and "French" companies in the famous old Louisiana Legion, causing some of the former to withdraw, he seized the opportunity, as Adjutant General, to form another legion in the American sector under the name of the Washington Battalion of the First Brigade. Five or six additional companies, including the Washington Artillery, in May, 1839, joined this battalion which was a part of the Fourth Regiment of Louisiana Militia.

All of these units were volunteer companies as distinguished from the regular militia who wore no distinctive company uniforms and mustered only every three months as provided by law. The Fourth Regiment to which the new battalion was attached goes back to French and Spanish colonial days and participated in the Battle of New Orleans. Tracy, first captain of the Washington Artillery, had held higher rank in the Fourth Regiment previously, but presumably was selected by General Smith because of some knowledge of artillery.

Evidently the organization was going into the ranks of the ancient "Bataillon d'Artillerie d'Orleans" for some of its members, for that haughty battalion indignantly expelled one of their veterans because "he sought recruits for a new artillery company to the detriment of his own organization." The news accounts of this episode to which the papers devoted columns show that the "other" artillery company promptly elected him to its fold. We regret to say that our legal labors in Louisiana law books carried us through a reported case where he was being sued for medical services rendered to him by a regimental surgeon as the result of the bursting of a cannon. A parting shot permits us to add that he recovered though the medico didn't.

During the succeeding two years we know that the Washington Artillery was prospering from the drill notices and the occasional accounts such as, ". . .the guns were admirably served by the new company of the Washington Artillery, Capt. E. L. Tracy." In 1840 the Council appropriated the money necessary for renovating the guns, and one resolution of the Council promised to favor in city business all cart-horse owners who loaned their animals to the artillery for parade purposes.

The Washington Artillery had a reorganization in 1840, and changed the name to that of "The Native American Artillery." Col. William M. Owen's *In Camp and Battle with the Washington Artillery*, published in 1885, states that the company was reorganized on February 22, 1840. There are no present records available which go into that feature. Newspapers in 1866, in alluding to the Washington Artillery, state that it was organized in 1838 as the Washington Artillery, but state that the name was changed between that date and 1842 to that of the "Native American Artillery." This new name was used exclusively in the newspapers for the next six or seven years except for one drill notice and one resolution of the Municipal Council in 1843, when the old name of Washington Artillery was used. All the accounts in 1840 show that Tracy was still the captain and that the two cannon of the Municipality still remained with the company. The city put up a shed on Girod Street to cover the guns.

Where it drilled at this time is not known, but the organization meetings were held at the Washington Guards armory during the year of its birth. One newspaper in 1838 carried an editorial speaking of the Washington Artillery as a new company deserving of support and referred to an advertisement where there was a call for the outfit to meet at the old Planters Hotel.

For some reason the Washington Artillery in its reorganization in 1840 withdrew from the Washington Battalion and another Native American Company was formed, the two being sometimes referred to as the Native American Battalion. In the early part of 1841 it rejoined the Washington Battalion but still retained the name of Native American Company of Artillery with Captain Tracy still commanding.

The same two cannon were very much in existence for an article in an 1842 newspaper says:

> The Native American Company commanded by Captain E. L. Tracy held practice with two brass six-pounders presented to it by the Second Municipality. A target 8x10 feet with a ring 5 feet in diameter was placed out on the lake at a distance of 660 yards. Out of fifty-five shots 28 hit the target and eight more struck the wood holding the target. Nineteen of the shots were in the ring.

Evidently others could do better, because in January of 1843 the Mobile Artillery came over and defeated them in target prac-

tice. Through legislative assistance they did acquire another cannon, however, and the reports indicate that four caissons were owned by the company.

In December of 1842 Captain Tracy became major of the Washington Battalion in the place of Major Charles F. Hozey who had resigned. Major Tracy later rose to the rank of general and died during the Civil War at Chatawa, Mississippi. Unfortunately no relatives of either of these officers have been located who might through family records give any further light on the Washington Artillery while it was commanded by them. Federal troops being in charge of New Orleans at the time of General Tracy's death, but scant obituary notice was given to him.

Weekly drill notices continue with monotonous regularity in the early 1840's and the artillery fired the customary salutes on every public occasion. In 1844 three companies left the Louisiana Legion and attached themselves to the Washington Battalion to form the Washington Regiment, with Persifor F. Smith in command as a colonel. One of these companies had been the pride and joy of the Louisiana Legion, having taken quite an active and honorable part in the Battle of New Orleans in 1814-15 as part of Plauche's Battalion of Uniform Companies. Considering the fact that on one or two occasions the Louisiana Legion had refused to parade with the Washington Battalion, this must have been a great source of satisfaction to the latter.

The American element in the city was acquiring great political strength and prominence in the life of the city and this was reflected in the military companies from the "American" sector. However, it must not be supposed that these companies did not have a large number of "French" members, although for the most part the names are of Anglo-Saxon or Irish origin.

In this same year a resolution adopted by the Council of the Second Municipality of the City of New Orleans reads as follows:

> Resolved that the vacant lot on Girod Street adjoining the Protection Hose Company be appropriated for a building for the preservation of the cannon belonging to the Municipality. Five hundred dollars is appropriated for the erection of a suitable building on this lot and that the Native American Artillery Company, so long as said company may be entrusted by the Council with the care of said guns, shall have charge and possession of said lot and building.

Other references show that this building was on the same site now known as 719 Girod Street, where another Washington Artillery armory was built in 1858 between Carondelet and St. Charles streets. A bulkhead was erected in the rear of the Second Municipality on the margin of the swamp near the Melpomene Canal for target practice.

The Washington or, as it was then known, the Native American Artillery had several flags presented to it by its friends in the city. The most elaborate of these was given to the battery, or company, as all artillery units were called at the time, on June 21, 1845. The local and contemporary accounts described it as follows:

> The device is a cannon surmounted by a spreadeagle holding in its beak a scroll, on which is the inscription of "Liberty"; a drum, a pile of cannon balls, the whole, ornamented with flags in graceful folds is on a beautiful bank of green. The ground of the flag is a rich yellow, trimmed with silver fringe tassels.

This is the flag carried later by the company when it acted as flag company of the Washington Regiment during the Mexican War. It is still in the possession of the Washington Artillery as its most treasured relic. The Washington Artillery year-book published in 1894 states that it was made by Misses Mary and Frances E. Spearing. One paper states on the day after the ceremony that "two Creole ladies made it," and the accounts show that it was presented by Mrs. T. B. Winston.

This flag remained in the possession of the Washington Artillery until the command left for the front during the Civil War. Possibly fearing the loss of the flag after the city was captured by Federal troops it was returned to the ladies who had made it. They kept it until Federal troops left the city in 1875 and the Washington Artillery began to function again as an active military unit. In 1878 the flag was sent to Paris for mending and the names of the sixty-odd battles participated in by the Washington Artillery during the Civil War were inscribed thereon. With the demolition of the vault in the Washington Artillery armory on St. Charles Street the flag was removed to Jackson Barracks with countless other trophies and records of the command.

In the 'forties the uniform consisted of light blue trousers and dark blue blouses or coats. These were trimmed in red. The

enlisted men wore red epaulets while those of the officers were gold. The high military cap of white canvas, so popular during that period, was faced with the crossed guns of the artillery and topped by a tall red plume. A blue coat with white trousers was occasionally used during the hot summer months.

The company was trained as infantry as well as artillery and the armory had a full complement of rifles with an armorer paid by the State of Louisiana to service them and the cannon.

With the promotion of Tracy to the command of the Battalion in 1842 Henry Forno was elected captain. His name appears as the commanding officer of the company during the years preceding the Mexican War. Some of the notices mention Isaac F. Stockton as first sergeant. The tension growing out of the Mexican question kept alive an interest in military affairs and the military companies flourished. New Orleans always had been active in recruiting companies for service against Mexico and several were openly assembled here for departure to the Texas War of Independence despite the very proper protests of the Mexican consul.

In 1845 General Zachary Taylor had been sent to Fort Jesup in western Louisiana with an army in connection with the boundary dispute with Mexico. He had no regular artillery, so on August 18, 1845, General Edmund Pendleton Gaines, in command of the Department of the South at New Orleans, called for volunteer artillery to serve a three months' tour of duty with Taylor's army. On the same day that the call was issued the Washington Battalion and the Bataillon d'Artillerie d'Orleans offered their services. Gaines selected Captain Eusebe Bercier's company from the Orleans Artillery and Captain Henry Forno's company of Native American Artillery from the Washington Battalion or Regiment, as it was then known. The two batteries were placed under the command of Major Louis B. Gally, veteran commander of the Orleans Artillery who had seen extensive service in the armies of Napoleon. His uniform, equipment and French decorations may be seen in the Louisiana State Museum in the Cabildo. He is buried in one of the old St. Louis cemeteries at New Orleans.

Some additional equipment was furnished the two batteries by the government, but they were in such a splendid state of organization that they sailed from Jackson Barracks for Texas aboard the S. S. Alabama on August 22. Forno's company had

eighty-two men and in addition to himself had as officers: Joseph E. Ealer, Sr., 1st Lt.; William T. Lewis, Jr., 1st. Lt.; and David A. Bickel, 2nd Lt. The two companies arrived at Corpus Christi and joined General Taylor's army. Part of the company of the Native American Artillery remained in New Orleans under command of Lieutenant Isaac F. Stockton who had been promoted from First Sergeant.

General Taylor announced the arrival of the Battalion in Texas with the following letter to the Adjutant General of the Army at Washington, D. C.:

> Hdqs. Army of Occupation,
> Corpus Christi, Texas.
> August 30, 1845.
>
> Sir: I respectfully report the arrival at this point of seven companies of the 7th Infantry under Major Brown and two companies of volunteer artillery under Major Gally . . .
>
> The Battalion of volunteer artillery has a fine battery of eight pieces — two twelves and six sixes, completely equipped in every respect. The officers are zealous and the men seem to be quite well instructed in their duties. In case of need, I look for valauble service from this battalion. . . .
>
> Z. TAYLOR,
> Brevet Brig. Gen. U.S.A.
> Commanding.

From all accounts the three months' tour of duty must have grown somewhat monotonous. They had enlisted with the idea that Taylor was going to invade Mexico and perhaps for a week or so were disappointed. They settled down to three months of steady drill and as a result became quite proficient as artillerymen and infantrymen. Taylor's reports to the Secretary of War specifically praise their discipline and ability as artillerymen.

Letters from the men show that crab-fishing and the usual autumnal storms added other interests. Towards the end of the three months' period mounted batteries of the regular army reached Texas and the battalion under Gally was sent home. The order of General Taylor discharging them reads as follows:

> In giving the order which dissolves the official connection of the Battalion of Volunteer Artillery with the Army of Occupation, the Commanding General cannot forbear expressing his high sense of the patriotic enthusiasm which impelled its members to seek service under the expectation

> of war with Mexico and of the excellent state of discipline and instruction which has signalized their service in this camp. The General is but expressing the universal sentiment of the army when he bears witness to the intelligence and gentlemanly bearing of the officers and the correct deportment of the men of the Volunteer Artillery. In taking leave of Major Gally and his command, the General extends to them his warmest wishes for their health and happiness, and a safe return to their families and homes.

Captain Forno's company of Native American Artillery arrived in New Orleans on the S. S. William Bryan, November 18, 1845, and were mustered out of the United States service by Captain Grayson U. S. A. On their arrival in the city that part of the company which had remained in New Orleans welcomed them with a salute and detachments of the Washington Regiment escorted them to the Washington Battalion armory. There was some difficulty in paying them for their service and the Municipality advanced the money until the Government could make arrangements for the paymaster to meet the disbursement. While on this tour of duty, Private Reuben Walcott died at Corpus Christi.

Drill notices appearing in the papers show that the company immediately started keeping in use the knowledge it had learned in Texas. In May, 1846, the citizens of New Orleans presented Captain Forno with a horse in appreciation of his service in taking his company to Texas the previous year, and the good captain had hardly finished expressing his thanks before he had another opportunity to volunteer. General Gaines issued a call for Louisiana troops to serve in the war against Mexico.

The entire Washington Regiment immediately volunteered. Colonel Persifor F. Smith was promoted to brigadier general in command of all Louisiana troops in service and James B. Walton was made colonel commanding the Washington Regiment, with Henry Forno as lieutenant colonel. Walton had been a former adjutant of the regiment and was a lieutenant in the Washington Guards before the Regiment was originally organized. Isaac F. Stockton was promoted to captain of the Washington or Native American Artillery to succeed Forno and command the unit while in Mexico.

No call was made for artillery so the Native American Company, in accordance with its dual training, volunteered as infantry

and became Company A of the Washington or First Louisiana Volunteer Regiment. James Strawbridge was made first lieutenant and Simon (or Simeon) Green was made second lieutenant. Green had been with the company in Texas the previous year but only five other names appear in both the 1845 and 1846 rosters of service in Mexico. Veteran members of the company years later stated that many of the Native American Company who were in it in 1845 either in New Orleans or in Texas furnished officers for the other Louisiana regiments who participated in the Mexican War.

The company was mustered in on May 5, 1846, and on May 10 sailed on the S. S. Galveston from Jackson Barracks for Taylor's army in Texas. On its arrival there it moved up the Rio Grande with a force under Lieutenant Colonel Wilson of the regular army and advanced to the attack on Matamoras. They found this city abandoned by the Mexicans and were held, along with the rest of Taylor's troops, in camp awaiting the reinforcements pouring down from the United States. Wilson's forces, in crossing the river at Barita, were the first American troops to occupy the right bank of the Rio Grande.

Difficulties arose at this time due to the fact that the Louisiana troops had enlisted under the terms of the Act of Congress applying for only a few months, while Taylor wanted troops who had been enlisted for one year's service. After much correspondence had failed to straighten out the tangle satisfactorily to the parties, all four Louisiana regiments and several from other states who had enlisted under similar terms were ordered back to the United States. Much bitterness arose over the situation and the local press assailed the Government for its stand in the matter. General Smith remained in Mexico to win fame and a major-generalcy in the regular army as one of the outstanding heroes of the war. An excellent painting of him in full uniform is in the City Hall of New Orleans. One of his granddaughters lives in New Orleans and has in her possession several valuable historical relics of his participation in this war.

The Native American Company arrived back in New Orleans on August 3, 1846, and was mustered out the following day. Two of its members, Privates Peter Johnson and Gabriel (George) E. Rife, had died in the camp opposite Matamoras during the month of June, and several others had been transferred to other units of the regular army which remained in Mexico.

We know that sometime after the return from Mexico the company changed its name again to that of the Washington Artillery, but the exact date cannot be determined. One of the members of the company who was interviewed by a newspaper reporter in 1884 said that the name was changed shortly after the return from Mexico and remarked that he had voted against the change. Drill notices still refer to it as the Native American Artillery in 1847, and Stockton is still captain. The name was changed sometime between June, 1847, and February, 1848, if we can use the drill notices as a guide.

Stockton died in 1848 and Lieutenant Ealer, who had gone to Texas as one of the officers in 1845 but not in 1846, called for an election to fill the vacancy. E. L. Tracy was again elected the commanding officer. It is not unusual to find that staff officers also acted as company commanders of the very select uniform companies, and Tracy's election might not mean that he did not hold another position in the militia. Between the months of March and May in 1849 Tracy was succeeded by Lieutenant Joseph E. Ealer as the captain commanding the company. The drill notices still refer to the gun house of the Washington Artillery as being on Girod Street.

After the Washington Regiment returned from Mexico in 1846 it kept its existence intact, but a new call for troops in 1847 for the Scott Expedition caused many of the officers and men to enlist with new regiments recruited in the city. This condition left the Washington Regiment with only a skeleton existence and some of the companies ceased to exist. Many of the members of these companies transferred to the Washington Artillery. Some time in 1849 or 1850 Lieutenant R. O. Smith was made commanding officer of the Washington Artillery. He had been a non-commissioned officer in one of the other companies of the old Washington Regiment.

In 1850 the State of Louisiana voted an appropriation for the separate maintenance of the Washington Artillery, and the fact that it was to be made annually undoubtedly helped the company through the poor years that every militia company sees after a war. About this time Tracy, who had been made a general in the state militia, attempted to revive the old Washington

Regiment, but apparently no other unit was ever attached to it except the Washington Artillery. One account says in part:

> . . . after the legion came the new Washington Regiment at whose head rode General Tracy. The Washington Regiment . . . consisted of the veteran Washington Artillery under Captain Smith, one of the most efficient bodies of cannoneers in the country.

The captain referred to is R. O. Smith, former lieutenant.

It is not known whether Tracy was attempting to enlarge the artillery into a full battalion as had been the old Orleans Artillery or whether he was seeking merely to recreate the old Washington Regiment whose discipline and efficiency had been so highly praised in 1846. Another report in 1852 says:

> . . . This regiment consisted of the veteran Washington Artillery under Capt. Smith with their four brass pieces and caissons, marching, which was quite unusual, by sections.

General Tracy, Colonel Wood and Major Soria are mentioned in connection with the regiment.

Smith was succeeded by Lieutenant Rinaldo Bannister as commanding officer. In 1854 Soria became captain, but he was killed in April, 1855, by the explosion of a gun while the battery was celebrating a political victory by firing four guns to the four directions before a large crowd at the head of Canal Street. Captain Soria's uniform was kept in the armory up until the Washington Artillery went away to Virginia, but its whereabouts is now unknown.

H. I. Hunting followed Soria as commanding officer and he had a hard time keeping the little company in existence. It had dwindled at one time to twelve men, but regular notices for the weekly drill show that it maintained its existence until 1857 when James B. Walton, the old colonel of the Washington Regiment in the Mexican War, took command as captain. Walton's enthusiasm and the rumors of approaching civil war stimulated interest. He started a public subscription for a new armory and in November, 1858, the Washington Artillery dedicated its new armory on Girod Street. This building was one of the finest of its kind in the country. While the Washington Artillery was in Virginia during the Civil War and the city of New Orleans was in Federal hands the armory was confiscated and sold. It caught on fire and only the front was left standing. The original front with its

bas-relief cannon and head of Washington still may be seen at 719 Girod Street between St. Charles and Carondelet streets.

The artillery company was now in excellent shape. As was true up until after the Spanish American War the company, except during war times, always elected applicants to membership. The personnel was of an exceedingly high type and the company had acquired full equipment. It continued to grow and on January 10, 1861, went with other troops to take possession of the Unites States arsenal at Baton Rouge. The trip was uneventful and after the return the unit was increased to two companies. On February 22, 1861, a new stand of colors was presented and Judah P. Benjamin delivered the address at the ceremonies. These colors were stolen while being sent to Charleston from Virginia during the Civil War for exhibition at a fair to raise money for the Southern cause.

By May of 1861 the battalion had been increased to four companies, with Walton in command as a major. The battalion had its own cannon and each member furnished at his own expense a uniform of new broadcloth. On May 13, 1861, the Washington Artillery was accepted by the Confederate government for the duration of the war, and on May 26 they stood in Lafayette Square and were mustered into service by Lieutenant Phifer C. S. A. It then went to Christ Church for final services and on the following day left for Virginia. Later another company left for Tennessee.

How the Washington Artillery fought in over sixty battles of the Civil War and how one hundred and thirty-six of its men laid down their lives in that conflict has been too well told by participants to be repeated here.

One last word might be said concerning the tiger head insignia and the motto "Try Us." In 1846 Walton, in addition to his duties in the Washington Regiment, commanded a new company of the regiment known as the Crescent Hussars which had the emblem and motto on their flag. This company ceased to exist after the Mexican War and when Walton took command of the Washington Artillery in 1857 he had the old tiger head and motto of the extinct Crescent Hussars adopted by the Washington Artillery as its own. It has retained it to this day and the old flag of the Crescent Hussars is still in the possession of the batallion.

Books have been and more could be written on the services of this old artillery battalion which is now known as the 141st Separate Battalion Field Artillery (Motorized), Louisiana National Guard. Historians might tell how it fired the first gun at Manassas, the first gun at Gettysburg, and was in position with unlimbered guns when the order to cease firing was given at Appomattox. They might tell of service in the Spanish American War, on the Mexican border, in France, and on countless peacetime emergency calls. These historians might also tell of the present service which it renders to the state and nation. The Washington Artillery itself, however, would only say as it has always said to every call of state and country during the past century—"Try Us."

A BAVARIAN'S JOURNEY TO NEW ORLEANS AND NACOGDOCHES IN 1853-1854

Edited by Karl J. R. Arndt

INTRODUCTION

In the year 1853 Friedrich Gerstäcker made the following interesting comparison between America and Germany in his book *Nach Amerika!*

> What a wonderful country! What a future is still in store for you! How everything ferments and boils and germinates and sprouts and blossoms and ripens into fruit! And above this all a single banner—a single battle-cry in war for a united nation, a single goal in peace for the entire country!—Poor Germany! No wonder that a nation with such results, such a future, sometimes kicks at the traces or becomes a bit wild like a young, strong colt—it has reason for doing so, and may well rejoice in the praise of its creator.—We Germans, of course, are quiet and more settled, do not jump around and kick, and do not have such poor manners; we do not sing *Yankee Doodle*—have no reason for doing so. We do not even have a flag, but only a patchwork of many colored rags; not even a common Fatherland that we may call our own. But let that all be so, let all that oppresses us oppress us more and more—let all that enslaves us in religion and freedom of conscience and political opinion continue to do so, the hope nevertheless would remain that among us too, perhaps, a Washington would arise, as he arose among the Americans at the time they needed him most. But just this is the hopelessness of our condition—we could not even use him, we would not know what to do with him, for unless he were born in all thirty [German] lands at the same time, not a single one of the neighboring states would recognize him. I wish I were an American, . . . and could envy Germany as I now must envy America.[1]

The year in which these views were expressed was also the year of an unprecedented emigration of Germans to New Orleans. According to the records of the German Society of New Orleans a total of 35,965 Germans landed in that city during the period 1853-1854. Of these 16,976 went on to St. Louis and 7,721 to

[1] Friedrich Gerstäcker, *Nach Amerika!* Vol. 12 of *Gesammelte Schriften.* (Jena, Hermann Costenoble) pp. 161-162. Gerstäcker puts these words into the mouth of Herr Hopfgarten.

Texas or elsewhere.[2] Conditions in divided Germany were very unsatisfactory. Attempts at union and for greater freedom had failed and another eighteen years were to pass before the decisive step was taken toward improvement of conditions and toward realization of such hopes as were expressed in the above quotation. Meanwhile, however, *America* was the magic word which made real the dreams of thousands of Germans who were victims of circumstances beyond their control. This magic word also reached the village of Teisendorf, located not far from Braunau,—the place where thirty-six years later Adolf Hitler was born—and near Berchtesgaden, where Reichsführer Hitler eighty-five years later made the plans that actually brought to Germany that unity which made Gerstäcker so envious of America in 1853.

In that village of Teisendorf in the year 1853 a Mr. Eder decided to improve himself by following the call of *"Nach Amerika!"* From a landscape and climate as vigorous as that of Bavaria he came to New Orleans, and was almost overcome by the heat on Christmas Day, the day after his arrival. After several months' stay in New Orleans he took his family to Nacogdoches, Texas, a journey which almost cost him his life. His experiences and his impressions along the entire wearisome way are recorded in a long letter to his friends in cool Bavaria. This letter was recently acquired by the Louisiana State University Library.

The original manuscript, of course, is in German, and covers seventeen pages folio. It is well preserved and shows that the various readers in Bavaria handled it with great care. In the following pages I present it in translation. In making the translation I adhered closely to the original wording and syntax, except in places where that was impossible. It is to be regretted that the fine flavor of the original, which often lapses into Bavarian dialect, can not be given in translation. Much humor is lost thereby.

Text of the Letter

New Orleans, January 16, 1854.

Dear Friends and Acquaintances:

Upon your request I take the liberty to send you a few lines about our journey. Yes, dear friends, it is a great undertaking

[2] *Cf.* Robert T. Clark, Jr., "The New Orleans German Colony in the Civil War," in *Louisiana Historical Quarterly*, XX, (1937); 990-1015.

to emigrate to America, for it takes great courage. A person often loses heart, for we had many a thing to endure which we would never have expected at home. Now, dear friends and acquaintances, I want to describe our trip to you briefly.

When we came to Munich an encampment was just being held. There everything was so full of people that we scarcely knew where to obtain lodgings. We were there five days, during two of which my wife was ill. We arrived there Monday and departed early on Sunday by train, on which we met several emigrants. At eight in the evening we came to Hof, where we went on at once. At four Monday morning we arrived in Leipzig. There we had to remain the entire day, for the Leipzig Fair was just on, and you have no idea how things went on there. At ten in the evening we arrived at the Magdeburg station. The cost per person there is two *Thalers* less than in the Leipzig station. Then we travelled all night again. The number of emigrants on our train amounted to 800 persons, nothing but emigrants. When we came to a station the confusion was so great that you cannot imagine it. At night we had to get out and change to another car, and that had to be done in a moment, if you did not wish to be left. You can imagine what a confusion there was, for each person wanted to be the first one out and the first one in the other car. Yes, if we had been alone, then it would not have been so bad, but with the children, that was really an affliction. Yet there were families present which had eight and ten children. There was such a howling of children and sucklings that one could not understand one's own word. On Tuesday we should have been in Bremen at eleven o'clock noon, but, unfortunately, we met with an accident. We were still three miles from Bremen when the locomotive, that is the steam engine, burst. Luckily for us it went into a ditch. Then we had to camp in the field, where we lay for three hours until a new locomotive came from Bremen. We lay there like gypsies, everyone was weeping and wailing over the shock that 800 persons could be so near death, but no one was hurt, although there were a few blue marks caused by the severe jolt when the cars bumped together. The engineer, however, was thrown into the air, so that he was a ghastly sight to behold. He still lived one and one half hours, then he gave up his spirit. Then we continued our trip to Bremen, and there we were well received. We lived at the Kronprinz at Innkeeper Orsi's, there everything was very good and cheap. We were also

received very kindly by the official. In spite of the many emigrants he gave us very much attention. He assisted us in deed and with advice. He said that if we wished to go to St. Louis, it would be better not to go to New York but to New Orleans, because the trip to St. Louis from New Orleans would not cost as much. And so he booked us on another ship which went to New Orleans and did not cost any more. The ship is called Johan Lang, an entirely new ship, sailing the sea for the first time. We now had to stay in Bremen five days, then we were taken by steamboat into the harbor, where we were quartered in the house for emigrants[8] and where we had free room and board. But the size of this house! You have no conception at all! Never in our life had we seen such a building. There were 5000 emigrants in it. And how many who could not be accommodated still lived in the city! During the month in which we were there the total amounted to 7000. Yes, dear friends, I can't tell you much of what takes place in such a harbor, you see nothing but ships and sailors, no end of them, and the many emigrants! People from every nation can be seen, it really is interesting. Every day you see something new. We had to stay in the harbor fourteen days because our ship was not yet ready. I was sick three days, during which I could not get out of bed. That caused me to lose heart a bit, but through God's grace I recovered again. Then we got on the ship. The beauty and size of it! I cannot tell you. There were 740 persons on board excluding the numerous children and sucklings, who were not counted at all. There were also so many old people present who could scarcely walk, people filled with age and weakness.

In God's name then we sailed out to sea, and, thank God, we were all well. The children, too, despite the many hardships we had undergone, were in good health. Now, good people, we are on our way, in God's name. One hour's distance from the harbor something was still missing. We had to anchor again and wait at the same place for eight days, but then we speeded on, and after fourteen days we sailed into the English Channel, where we could see England on one side and France on the other. We had already passed the dangerous sandbanks, so frequently found in the channel, when a storm came up and a wind began blowing in the opposite direction. We were driven back again, and so for fourteen days we had an opposite wind and had to sail

[8] The *Auswanderungshaus* had just been built.

about three days until we came back through the channel which we had navigated in three days.[4] Until now we had not noticed so much of the roll of the sea, although the small boats were thrown about not inconsiderably. For a few days now we had a good wind. We sailed on for a fair distance. The wind became weaker at times, then stronger, so that we were in hopes of seeing New Orleans in four weeks. Up to this time we became acquainted only with the pleasant side of a sea voyage, although the rolling of the ship is not a part of it. Time passed very quickly, for each day we saw something new. At first we were entertained by the arrangement of the ship itself, by its customs and manners, also by the sailors at work, by their climbing about, by their songs and yells—all done in rhythm,—by the raising and lowering, turning and shifting of sails—all of which was done with lightning speed.

Daily we saw sailing vessels and steamboats near and far. In each case flags were hoisted in mutual greeting. We also saw entire schools of fairly large fish, which the seaman calls pig fish. We also saw sea birds and numerous flying fish constantly. Now, dear friends and acquaintances, I have already written you the pleasant things. Yes, it is really pleasant at sea when the wind is favorable. How beautiful it is to see nothing but sky and water! Sunrise and sunset are especially beautiful, when the sun shines so beautifully on the blue sea, when the ship sails so softly and calmly. Now, dear friends, you must not believe that it was always like that.

We had been at sea three weeks already and the journey was still very pleasant when one morning we saw very many fish and "pigs", a sign of an approaching storm. The next day we really ran into such a severe storm that we believed we were really lost. On one day then everyone was seasick, among 700 persons there were not ten who were not seasick. Seasickness did not affect me much, but my wife and the children were in bed. But seasickness is not really dangerous. No man died of it, because it is merely caused by the rocking of the ship. That nauseates you and you must vomit, just as if you had taken an emetic, and that lasted about eight days, just as long as the storm. Oh, you good people, you have no conception of such a storm. The sails were all hauled in. What raging and turmoil on the

[4] Gerstäcker gives an account of a ship about to land in New York which was blown back to sea and which could not land until three weeks later. Gerstäcker, *Gesammelte Schriften*, XI, 351.

ship! We were already entirely at the mercy of the storm. How the ship was tossed about like a nutshell! It was thrown up and down so that the tops of the high masts had to touch the crests of the towering waves. And how the sailors risked far out on the mast, hanging on as cleverly as squirrels! The whistling of the wind, the hollow rumbling of the storming waves, the yelling of the sailors, all this joins into a turmoil like that of a wild hunt. Although the ship was tossed about so violently that no one could stand without holding fast, although the tremendous mountains of water threaten to devour you at any moment, no person has a bit of fear. You hear no person lamenting, for seasickness takes away the fear of even the most timid. Yes, dear friends, the sight of the sea during a storm is terrible. The tops of the raging mountains of water are white as foam, the slopes blue, and the bottoms finally black as ink. We had weathered the storm, seasickness was gone, and we were sailing along rapidly with a good wind, when before long we met with an absolute calm. We were as if nailed to the spot and for eight days again we did not move. We had a gay time then. The weather was fine, very warm, and every day there was dancing on deck. Everyone was in good spirits again, just as if no one had been sick. We too were in good health and mood. Then we sailed on again, ran into a bit of rough weather, but not so bad, especially since the wind favored us. We went on rapidly. Now we came into Southern waters, and it was getting warmer. During Advent we had such hot weather that we could scarcely stand it. At night everyone was on deck. We too slept on deck with the children. There it was very hot too. Even in midsummer in Germany you have no such nights. More people became sick then, for the odors of these people and the great heat were terrible. Several people died then, about forty persons, also some children among them. Under such conditions it was better that we had more air, although there were 170 other persons there too. It cost 30 fl more for the family, but in every respect it was better than in steerage. I also felt ill as a result of this heat, but it was not dangerous, although it lasted fourteen days. The two youngsters were well, but their bodies were covered with rash so that you did not know where to touch them. Yet that was good, since it had brought out an entire sickness. After her first illness my wife was always well. Maria also had a rash, but this is often also caused by the bad water which we had on

board. This water stinks like the pest, and in the end one could no longer drink it. Many a person there would have given a *Thaler* for a drink of fresh water, but we had to be glad to get the stinking water. Even that was not available in sufficient quantity, for through the heat and the salted meat we suffered such thirst that we would gladly have drunk the water in spite of its stench. We thought of home then and would have been happy then for only one drink of fresh water. But what good did that do, we could not get it anyway. I must also tell you that the food at sea is not at all praiseworthy. It is too bad, and the water only made it worse. Black coffee was served in the morning but it stank so from the water that it nauseated us. For Sunday dinners we had rice and dumplings and beef, which, however, was unpalatable because of all the salt. We threw most of it overboard as a meal to fish, and many others did the same. For Monday dinners we had barley and beef. Every evening we had tea. That was nothing but an emetic. And we had no sugar for coffee or tea. Fortunately, we ourselves had brought two sugar loaves from Bremen, where it was very cheap. Tuesdays we had Sauerkraut and peas, which were so hard that one could shoot birds with them. Wednesdays we had Sauerkraut and pork, that was the best meal, and we looked forward to it all week. Thursdays we had rice and a sort of dumpling, Friday we had peas and pork, Saturdays there was a real row: we had barley cooked with plums, a sweet stuff that tasted abominable. We could not eat it. We were also given some herring. So it went week after week. Once a week bread was distributed, half of it black the other half white, the white bread being Zwieback. It is made of bean flour and has a bad taste. The black bread is as black as coal and so coarse that you find kernels of wheat in it. Both are hard as stone. Once a week we also received half a pound of butter per person.[5] This contained so much salt that you could not eat it. Well, dear friends, I have briefly told you the truth. Should anyone of you dare to undertake the journey, then I will not be blamed if it becomes too hard for him. We fared no better and if a person does not have enough courage to take this upon himself he will do better to stay at home.

[5] According to Gerstäcker the portions of bread and butter were distributed once a week. See his *Gesammelte Werke*, XI, 253, 267. An excellent earlier report of food served on sailing ships is found in Johann Gottfried Seume's *Amerikafahrt*. Seume's descriptions in general are in agreement with the above.

We had been on the water nine weeks now when we saw an island on each side, and there the heat was greatest. I cannot tell you how we felt when we saw land. The joy of seeing it filled us with new life. These islands are inhabited by black people, for no white man could stand the heat. After a while we had a good wind and in eight days arrived at the mouth of the Mississippi, where we saw America for the first time. How happy we were! There was rejoicing all over the ship. An American steamboat met us then, which towed us to the harbor. We had three days more of travel up the Mississippi before we finally reached New Orleans. We stepped on land for the first time on Christmas evening. Christmas day we walked around in the city. We could scarcely endure the heat and had to go home.

Now, dear friends, we have happily endured the wearisome journey, for it is not as dangerous as it is burdensome. We are now in New Orleans and will also stay here through the winter. I found work at once. I earn a dollar a day, i.e. 2 fl 30 kr., although I am a mere apprentice. I am working for a German cabinetmaker. The beginning was rather good.

Now, dear reader, I cannot tell you so much about this city, for in all of Germany there is no city like it. It is five nours'[6] walk long and three hours' wide. And in this seaport you again see no end of sailboats and steamboats which come and go every day. You cannot even imagine it. My dear friends, you are entirely in error if you believe America is a wild land, for there is no more beautiful country. Germany is far back there, for here there is a much greater distribution of wealth. There are no poor people here. We have not seen a single man begging, for here everyone who can must work. There are a few employment offices here for that purpose. America does not say: "Eat what we give you or starve" but "Lazy fellow, work or die." Whoever believes, however, he can get by in America by stealing or by some other evil method, will not get far. Americans do not put up with such things, for in America wood is not too expensive to build gallows for the removal of thieves. Whoever steals as little as 5 fl worth is hanged in two days. Everyone will guard against that. Not a single house is locked here at night, everything is open, yet you do not hear that anything has been stolen. Well, good friends, you can imagine that there would be no poor

[6] One hour amounts to about three miles.

people in America where everyone is forced to work and where every one can earn enough in a short time to acquire a pleasant estate and to have a carefree life. And a man cannot spend so much here since frequenting taverns is not at all customary. It is not as in Germany that a person spends the entire day in a tavern. You see no one in the tavern here. There are taverns here but you seldom see a table in them, for they are furnished like a store. You go in, drink a glass of beer or wine without sitting down, and then go on your way.[7] Let no one come to America for entertainment. It is not like in Germany, for around nine o'clock at night you see no one in the streets, everyone is at home. Whoever gets drunk here is given a 48 hour arrest if he is caught, even if he has done nothing. To be drunk once is enough to ruin a person's reputation.

Dear friends, it is not possible for me to write you everything in such detail. I can only tell you about a few main points which I know about now. After I have been here a while, I will write more. Until now everything has pleased me very much. I cannot tell you much yet about these emporiums, but you can buy everything there, and everything much better and more beautiful than in Germany, although it costs less. The tailor's charges are higher than the clothing because wages are high. Tailors and cobblers earn two dollars, i.e. 5 fl, a day without board. But every one must first know his trade. Painters would do well. They earn three dollars a day. If a cabinet-maker has been here long enough to know his way around, he can earn two to three dollars. Carpenters earn three dollars a day, but it is hard to stand the work in summer on account of the great heat. For that reason we will not remain here longer than this winter. We have no snow at all, and it is as warm as in midsummer over there. One rarely sees a stove in a room, for you do not need one. A person raised in New Orleans who has never been away has never in his life seen any snow. Here in New Orleans all the sweet fruits grow, e.g.: sugar cane, oranges, lemons, grapes, and also cotton. Cattle raising does not amount to much, and no grain is planted here. Food stuffs come from the country, from St. Louis, Cincinnati, and Texas, yet foods are not as expensive in fact cheaper than in Bavaria. It is also good that one can do

[7] The unspoiled Bavarian could not be expected to understand the arrangement of the American bar. Gerstäcker had no such illusions about American temperance, he even supplies his readers with American cocktail recipes. With regard to the arrest of drunks and all suspicious characters at night his descriptions agree with the above. See his *New Orleans* in *Gesammelte Werke*, X, 619-631.

what one wishes without asking anyone. A person need do no more than hang up his sign. If he has a business which does not please him, he need only change his sign and start something else. A fortune is not necessary for this. An artisan who has no more than his tools can work independently. A person wishing to marry need do no more than take along another man to a minister and to be married there, that finishes the matter.[8] Here you do not hear of affairs of single people who know each other for years and then get children, as happens in Germany. When two have met who love each other they are married. And if they do not have enough to run their own home, they board at first. They must work, however, and soon they will have enough to run their own household.

Yes, dear friends, a person really lives a free life here. But you find people from all nations here too. There are many thousands of Germans here who have organized in the city. Beside Germans there are also many Frenchmen and Englishmen, also Irishmen, Spaniards, Italians, and many thousands of Negroes and slaves. There are a great number of factories of all kinds here. These belong to the rich people, of whom there are so many here. They have bought these Negroes by the hundreds and make them work in these factories. These people are black as coal, but they are good people.

Dear friends, it is true, there are many slaves here, but they are all Negroes, who know no better than to be slaves. In Germany, however, there are far more slaves than here, for there all of you are slaves, a few well-to-do people excepted. The officials, who exist in such great numbers in Germany, long ago made slaves of you, only they do not sell you. Who supports the disproportionate numbe of officials but the worker and the *Bürger*? Yet these must dance to their music. If a person has the least bit to do at county court, he may not close his pocketbook until he has paid out every hard-earned *Kreuzer*, and then he must run after them a hundred times and waste time until it pleases the dear officials to consent to listen to him. And if he cannot pay then his little property is mortgaged. The dear officials drive things so far that through them many are forced into poverty.[9]

[8] The woman is taken for granted also in the original.

[9] A German farmer near Cincinnati expresses the same views in Gerstäcker's *Nach Amerika!* "Tribute and taxes increased from year to year until at last the gentlemen at court no longer knew just how much to demand in order to feed a gang of useless people which we did not need but which needed us to pay, and then even was rude and rough toward us. So although it was hard for my wife and myself to leave home, I do not regret it in the least, and I would not like to return." Gerstäcker, *Gesammelte Werke*, XII, 167.

Yes, and then one asks where so many poor people come from. And who must support these? The city or the officials? If anyone begs from them, don't they have him locked up at once? You may say that we also have laws and officials. Yes, but not as many as in Germany. In Germany every official has ten secretaries, and every secretary in turn has his servant. And these secretaries are much worse than the officials themselves. These fellows do exactly as they please with the people. I could of course mention a few names, but it is not necessary, you feel this yourselves. And if you come a bit too close to such a scoundrel and speak your mind you at once are put in jail. I am now unburdening myself of everything which so long has oppressed me. At home I could not have spoken the truth like that, for whoever speaks the truth in Germany is put in jail, so to keep from being locked up one is silent about all the meanness.

Now, dear friends, I have written you the pure truth, and if perhaps one of you wants to come to America, let him by no means be deterred by the many hardships of travel that he must endure. Once you are here all that is forgotten and you certainly do not regret it. I will write you the procedure necessary to follow: Families are forced to stay at home to complete their contract, otherwise they are not permitted to leave. Single people need no more than their journeyman's card, for once you get on a train a pass is no longer asked for, not even in Bremen. Next you go to the agent and contract for passage. No testimonial or pass is requested here either. Also in America no one asks for a testimonial. If only you have the money necessary for the trip, then everything is settled. We would not have needed all our papers, which cost us so much money. No one asked about them. There is no such thing in America as the German testimonial of character, the main thing is that you behave. Artisans who want to get to America but are not able to pay the cost of the trip, can go to Bremen. During the summer there is always much work to be had in Bremerhaven, and there you can await an opportunity to get across free of charge. You must work on the ship, however. Our ship also carried several such people who did not have the money for the voyage, but they had to work. I must also tell you that conditions here are very good for women servants. The humblest servants get five dollars and board a month and everything they need. And if she can wash, iron, and cook she receives from twelve to fifteen dollars a month. She is

treated much better than in Germany, for here it is not as in Germany that the upper classes can treat servant girls as they will. There are not as many over here as over there, where twenty are ready to jump in the moment one leaves. That is the reason why the German upper classes treat servants so badly. If one leaves here people do not know where to get another one. And German girls are treated very well and are in demand.

Now, dear friends, I have briefly told you how we liked America at first. We have since moved on from New Orleans to Texas, southward. We again had a very bad trip. We were on a steamer three days. Things went fairly well there. Then we had to travel by land for fourteen days, and this journey was burdensome, for there is no railroad there as yet. We had to go on a farm wagon which takes cotton to town. I became so sick on this trip that I was entirely unconscious when we arrived in Texas. Fortunately, my wife and the children were well. We are in a city named Nacogdoches. When we arrived there I was sick unto death, for I was very sick with the fever which one calls "Typhus" in Germany. Yes, dear friends, I cannot tell you how we were received here. Someone took us into his house at once and doctors were called at once. And every day three doctors called. No one asked whether we had money or not. My wife and the children were cared for better than we would have expected at home. That put the Germans far back, for here a true neighborly love rules.[10] Yes, my dear friends, as concerns me my sickness became worse every day so that all the doctors gave up hope. For eight weeks I knew nothing of myself. Well, I recovered and the illness took a different turn. I felt better, but it took a while until I could work. In all I was so sick for four months that I could not work. During that time we lived with a Swiss family. Although we had board there they would not accept a cent. When I was able to work we rented a house.

We like it here very much and plan to settle here because it is a beautiful region. It is a small town, but very romantic. The climate is healthy, there is fresh spring water, and the entire city is surrounded by forest. And there are such fine fruits and

[10] It is to be noted that Eder does not count Germans over here as Germans, but as Americans. It was a German who directed him to New Orleans, a German who gave him very satisfactory employment upon his arrival, and in his sickness a German (Swiss) took care of him. On his way to Texas he was lost because he met only one German. He fails to understand that the neighborly love he found in America was shown by Germans in America who simply had more than conditions at home could give. His attitude is especially interesting because it shows how quckly German immigrants became loyal to the new home.

plants here. The forest is a veritable vineyard, for grapes of all kinds grow in the wild forest as well as such things as are planted in the fine gardens of Germany. All such things grow in the woods here. For the greater part we have sweet fruits here, as all sorts of melons and figs and peaches. Groceries are not expensive here, sugar and coffee are very cheap. Beef is three cents a pound. Pork is also three cents a pound, and three cents amounts to four and one half *Kreuzer*. Lard and eggs are very cheap. You can also keep as many cows here as you wish, for feed does not cost a penny. Cattle feeds itself in the woods in winter and summer, no cattle here is fed in the barn. Grass grows six to eight feet high in the woods and one person has as much right there as the other. Similarly you can keep as many pigs as you wish, and you need not feed them. The same is true of chickens. You can get fifty at once, then you will have enough eggs—and they do not cost you a penny. Cows are also very cheap. A cow and a calf cost from eight to ten dollars. A hog weighing 200 pounds cost 2 dollars.

Yes, dear friends, we have endured much, but now we are settled. We do not want to go on, for we can live here like lords. Pay is fair. I earn one and ½ dollars a day, that amounts to five fl Bavarian. Then there is work enough here, for all houses here are built of wood. Wood here costs no more than the work. And land is cheap. For twenty-five dollars you can buy a partly cultivated piece of land in the city. Whoever wants to buy uncultivated land must pay one and one half dollars an acre, but he may not buy less than forty acres. We have already bought an acre of land, now we will soon start building. At present we are still renting just across from the Catholic Church. There are two churches here, one Catholic and one Evangelical. There are many Germans here, also many Negroes and slaves. These are treated better than servants are in Germany. Yes, my dear friends, I cannot tell you how beautifully everything is arranged here. One lives here entirely free and independent. It is not that a person can get rich suddenly, but you have a carefree life, and if someone gets sick here, whoever he may be and even if he has nothing, he will be helped on all sides. And indigent poor widows and orphans are cared for better here than in Germany. Also you meet no one begging here, for no one needs to. In short, we like it here very much. It is rather hot in summer, but a person can stand it. In winter it is pleasant. We have no snow, only a few

months of rain. It is warm and not cold. Now, dear friends, I have told you briefly how we are getting along. I can tell you nothing new except that since the fourth of July we have a little American, Friedrich. He is healthy and strong. My wife is also in good health and strong. Thus we are living together happily and at peace. There is not much entertainment here. Frequenting taverns is not at all customary here. It is just like in New Orleans. There is no beer here, only English ale, which, however, is very expensive. But you can get good brandy here, and very cheap. Wine is not too expensive either. We find our entertainment at home ourselves, and drink a glass of wine. Going to church takes up the time on holidays. And through the week I have enough work to do. My wife also has plenty to do, for we have a rather large establishment: a large vegetable garden, cows, chickens, and pigs. That gives her most joy and diversion. Yes, my dear friends, you must not believe that everyone finds his fortune here, for there are many professions which do not count here at all, so that a person would not earn a thing.[11] It is best here for cabinet-makers and carpenters. Likewise for tailors and shoemakers. It is also very good here for farmers, and a worker earns a dollar a day, and there is enough work.

I must also tell you that conditions are not good for single men, for if he boards and must also pay for laundry he does not get far, since service here costs much more than board. If you have a wife who does her own housework, you can live much better and cheaper. Best friends, if perhaps anyone of you would take the chance and come over here, bring one along at once. Except in northern America a wife is not to be found. But in the northern regions conditions are already supposed to be as bad as in Germany, for the region is already entirely populated by Germans and pay would be just as bad as in Germany. For that reason we did not go to St. Louis, as we had intended.

Yes, dear friends, we have endured much, and often wished to be back in Germany while we were on the trip. Now, however, we are happy to be here and must thank God that we arrived here safely, for that is not merely a journey which one takes for pleasure, since many find their fortune and also many

[11] Gerstäcker finds that America has least use for the German educated middle class without means. "To it belong lawyers, ministers—if they can not or will not adapt themselves to conditions here—philologists and philosophers, the unhappiest humans of all among practical Americans—and that great mass of "false doctors", as they are called here, such as are called doctors but are not physicians, humans whose tragic fate could really arouse your pity if that fate often were not so funny." Gerstäcker, *Gesammelte Werke*, XII, 157.

their death. Now, my dear ones, I have told you all that you must do and how you are to do it, if perhaps one of you would undertake to travel to America. I must also tell you that the climate is not as healthy as in Germany, not in all of America. Yellow fever rages in many places, so that people die by the hundreds. The yellow fever broke out in New Orleans this year just as we moved away. In one day three to four hundred died. Yes, it was terrible, it was like the pest. The usually so gay city was horribly devastated. Whoever could escape had already done so. We had, fortunately, moved away early enough. The yellow fever was not only in New Orleans but also along the Mississippi and up to the Red River—so the river is named. It was the boundary from which the yellow fever raged terribly. Here in Texas no one knows about yellow fever but about cold fever. That is found all over America, but that is not at all dangerous. If you have it one day, you can work the next. I also had that fever many a day. Anyway, during the first year you are bothered much by the cold fever. For those who have already been here several years it is already better. Now, dear friends, I have written you the good and the bad. The most unpleasant thing we have are the rattlesnakes. There are very many of such poisonous snakes here, and they are usually found in the woods. Also there are large spiders here which are as poisonous as the snakes. If they bite you, you are absolutely lost. On account of such vermin no one goes hunting on foot. No one even leaves the city, no matter who he is. And if he himself has no horse he borrows one, women do likewise. There is no driving here. Women ride like men.

Now, good friends, I will close my letter since it would not be possible to tell you exactly how everything is over here. You probably believe that we are no longer alive, since we waited so long before writing, although I promised that I would write as soon as I reached American soil. Yes, my dear friends, you must believe that one has more to do than to write when one arrives. There is no time then to think of writing. As long as we still met Germans it was not so bad. But from New Orleans to Texas we met only one German farmer, and during that time we got along poorly. We could not speak a word to the people, and this lasted for fourteen days. The trip became as burdensome as the ocean voyage. But now, God be praised, we have survived it all.

Now, dear friends, I want to write you where this letter is to go. First to GeVatter Blang, and then to GeVatter Moserwirth,

then to the Heisenbauer, then to Herr Wintersteller. He should write us in case he has not yet heard from his sons, for up to the present we know nothing about them. He should send us their address, if he knows where they are. Furthermore, the letter should go to Herr Weisbacher, cabinet-maker in Anger, and from there to my folks in Teisendorf. And now, my dear relatives and acquaintances, accept a thousand greetings. We greet all those who inquire about us. I also send greetings to all my comrades. They should drink a fresh measure of beer to my health at Fischer Brey's. And, dear friends, I hope that my letter will find you in best health, in which we, thank God, all find ourselves. We are healthy and happy, and if God grants us life, we will see each other again after a few years when we come to get our son. Many greetings to little Bebi. Franzisca often speaks of Bebi with great longing. Both of us send him greetings. He should be industrious and good. We will not forget him. Also his sisters send him many greetings. Farewell and write us soon, and tell us very much about Germany.

We remain your friends

Joseph and Rosina Eder.

Address: To Joseph Eder, Cabinet-Maker and Carpenter, Nacogdoches, Texas, America. 1854.

RECONSTRUCTION AND THE NEW ORLEANS GERMAN COLONY

By Robert T. Clark, Jr.

For the entire period of the Civil War German immigration to Louisiana ceased completely. Even after Lee's surrender the number of German immigrants desiring passage to New Orleans was for some years too small to justify regular service from Bremen and Hamburg to the Southern metropolis. The North German Lloyd re-established its Bremen-New Orleans service in 1871, assigning to it the steamers *Hannover, Köln,* and *Frankfurt.* The Hamburg-America Line followed suit early in 1872, using the *Germania, Saxonia,* and *Vandalia* for the Hamburg-Santander-Havana-New Orleans service. Some American freighters carried occasional passengers between German ports and New Orleans, but, in general, such immigration was minimal.

In the meanwhile, the 30,000 Germans in New Orleans,[1] largely cut off from contact with the homeland, and deprived of additions from abroad, had undergone a series of vicissitudes and adjustments whose later effects were so important, and whose auxiliary cultural manifestations so interesting, that a description of them has long been overdue. Sources for such a description are, for one part, the files of the German newspapers of New Orleans—preserved in the New Orleans Public Library and in the Archives of that city. But, for reasons to be presented, the German newspapers of the Reconstruction period leave much to be desired as source material for the history of the group. It is only when they are used in connection with the English-language papers of New Orleans and other cities that they throw much light on the actual political and social situation. It is regrettable that the *Deutsche Zeitung,* which was always the chief German newspaper of the city, should have sunk so low during a period when the German element of the city gradually

[1] This estimate, which I made in an earlier article, "The New Orleans German Colony in the Civil War," *Louisiana Historical Quarterly,* XX (1937), 990 ff., has been confirmed by further investigation. Later reports of the Commissioner of Immigration, for instance, estimate the number of Germans in Louisiana at 60,000, of whom 30,000 were said to live in New Orleans. *Cf. New Orleans Times,* July 19, 1869.

reached the highest prestige it had attained in New Orleans, a period in which it played a most important part in Louisiana's long and dreadful struggle for orderly government.

The reasons for this lie in the political situation as it existed. The *Deutsche Zeitung,* founded in 1848 by Joseph Cohn, former owner of the *Deutscher Courier* (1842-49), had been taken over by a stock company in 1851. In 1857 it became the property of Pfeiffer and Hassinger. In 1866 Jacob Hassinger, who was distinctly a business man and not a journalist, bought the entire outstanding stock, and established a monopoly in the German-language newspaper field. From 1866 to 1868 the paper supported any party which guaranteed it fat printing contracts. Its politics ranged in those two years from unreconstructed Democracy to Radical Republicanism. In 1868 its editor, Georg Förster, became disgusted with his job, resigned, and founded a consistently conservative Democratic rival, the *New Orleanser Deutsche Presse,* which threatened to ruin Hassinger's opportunistic and discredited journal. The *Presse* had a life of only nine months; it was bought and extinguished by the chastened Hassinger, who was probably also becoming tired of the Reconstruction circus. From 1868 to 1870 the *Deutsche Zeitung* pursued a definitely Democratic policy, entirely unopposed. But again the owner seems to have yielded to Radical pressure, and again a rival appeared, this time under the editorship of the Rev. Leonard Thomas, S.J., who published the *Echo von New Orleans* as an anti-Radical, Catholic weekly for half of the year 1870. The first issue of the *Echo* attacked the Warmoth administration and the "carpetbaggers," and accused the *Deutsche Zeitung* of compromising with both. As a daily, the *Deutsche Zeitung* would have had little to fear from the competition of a weekly parochial newspaper, were it not for the fact that the *Echo* was voicing not only the German Catholic opinion of the city, but the opinion of a goodly portion of the German non-Catholic population as well. I have been unable to ascertain the cause of the demise of the Catholic paper; but it is true that, after 1870, with intermittent relapses, the *Deutsche Zeitung* maintained a more consistent editorial attitude and almost ceased trying to get advertising and printing contracts from the various competing State governments and legislatures whose contemporaneous existence made Reconstruction in Louisiana one of the wildest chapters in American history.

After Appomattox the Louisiana-German soldiers who had fought for the Confederacy began trickling back to a state already in a queer political condition. August Reichard's combined 13th-20th Louisiana Regiment had contained the majority of these; they had done their duty under Reichard and Leon von Zincken, but were thoroughly unprepared for the political battles that faced them at home. Von Zincken, through the medium of the *Deutsche Zeitung*, appealed for aid for these veterans, since, as he stated, nothing was to be expected from conscienceless politicians.[2] Most of these men, who were not very numerous, of course, were inexperienced in politics—like the huge majority of the Germans of New Orleans. Many had not even been naturalized. Reintegration into civil life was much easier for them than for many Southerners, since none of them had been slaveholders. Von Zincken promptly became a successful auctioneer, Reichard re-entered his wholesale business; and it is to be surmised that most of their men rather rapidly fell back into the pursuits from which an undesired war had torn them. And at first all went well. The first Governor elected under Lincoln's "ten percent rule" had been the German-born Michael Hahn, who resigned, however, in February, 1865, in order to run for the Senate. The Legislature accepted Hahn's resignation and made arrangements to inaugurate J. Madison Wells on March 4. In the meanwhile, Radical Republican leaders in Washington were gathering strength for an attack on Lincoln's reconstruction policies. On the day of his assassination President Lincoln received from the hands of Secretary Stanton a Radical plan for the reconstruction of the former Confederate states.[3] The murder of the great President added momentum to the Radical movement, whose avowed purpose of making the slave states firmly and permanently Republican, by fair means or foul, was to play havoc with the restoration of civil authority in Louisiana through the administrations of Johnson and Grant.

The hitherto nonpolitical Germans of Louisiana undoubtedly shared with their compatriots in Europe and America the national trait of love of order. They were quite willing to allow the President full authority to restore civil government in the State; undoubtedly they felt much closer political kinship with President Johnson than with extreme Democrats or Radical Republicans.

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[2] *Deutsche Zeitung*, June 16, 1865.

[3] Robert Selph Henry, *The Story of Reconstruction* (Bobbs-Merrill, New York, 1938), 45.

But when the national legislature paralyzed the President's program of peaceful reform, and when the tragic mistakes of irresponsible Federal politicians led to the well-known horrors of 1866, the German element became actively political. Before 1868 one finds no appeal to the German element in the campaign notices of any party. In spite of the fact that the Germans of New Orleans had immigrated to America in protest against the political situation in Germany, they had taken no active part in Louisiana politics. In 1868, however, the Democrats, encouraged by General Hancock's liberalization of Sheridan's registration requirements, made a definite bid for the German vote.[4] Germans lacking funds for registration or naturalization were offered help by the Democratic Naturalization Committee through the columns of the new German Democratic newspaper, the *Deutsche Presse,* Undoubtedly many Germans availed themselves of such help; but more important for the total picture was the general political awakening of the New Orleans Germans. In the election of 1868 both German newspapers supported James G. Taliaferro for governor against Henry Clay Warmoth, whom the *Presse* characterized as a "carpetbagger *par excellence,* a man who is not connected with the State by the slightest personal or business interests, and whose chief claim consists in the fact that during the war he was judge of a Provost-Marshal's court in New Orleans. His arbitrary and tyrannical measures and infamous chicanery are certainly still remembered by our citizens."[5] Judge Taliaferro was characterized as "a Republican, but an honest Republican."

The *Deutsche Zeitung,* whose politics were now Republican, could afford to support Taliaferro; and undoubtedly the victory of the conservatives in the city and parish owed much to the support of the Germans. The conservatives lost in the state at large, however, and Warmoth was declared elected. The *Presse* declared the local victory due to the German vote.[6] Elected on the parish Democratic ticket were many Germans: W. H. Wölper, Clerk of 7th District Court; H. Bensel, tax collector; F. Schumacher and G. H. Braughn, State Senators; F. Borge, Charles Stringer, J. E. Rengstorff, I. Zölly, and A. Wiltz, Representatives; H. F. Stürcken[7] and P. Kaiser, aldermen. One must remark

[4] *New Orleanser Deutsche Presse,* April 2, 1868.
[5] *Ibid.,* April 10, 1868.
[6] *Ibid.,* April 24, 1868.
[7] H. F. (von) Stürcken was a former Prussian officer, who did most of the training of Reichard's first German Battalion in 1861.

here parenthetically, however, that the conduct of this election, as of all elections in Louisiana during Reconstruction, was open to the broadest criticism. Just how much weight must be accorded its results, and the results of later elections, is quite doubtful. The *Presse* openly sympathized with the Ku Klux Klan[8] as did the later Catholic paper, the *Echo*.[9] German Democrats obviously regarded the Klan as the only answer to the incredible corruption that attended the congressional Reconstruction. The *Deutsche Zeitung*, now moving more toward Radicalism, attacked the Klan and all similar organizations. In May it attempted a statement of its policy. It claimed it had never been a secessionist organ; (it had not been so until Louisiana seceded.) It claimed always to have been liberal, yet always "in harmony" with conservatism; it claimed always to have fought Radicalism, never to have been a "Black Republican" paper.[10] The *Presse* replied with an accusation that the owner of the *Deutsche Zeitung* had voted the whole Radical ticket, and that he had treated the Black and Tan convention of 1868 to whiskey all around in order to get the State contract for printing their proceedings in German.[11] Such an accusation sounds true enough, when one remembers the enormous sums spent by that noble body for drinks, cigars, and "elegant stationery," and when one considers the fact that the *Deutsche Zeitung* undoubtedly got its cut of the latter item.

However, the policy (?) of the *Deutsche Zeitung* was at least more expressive of the *de facto* situation. The Southern Democrats became more and more irreconcilable in their attitude, encouraged by superficial gains. The *Deutsche Zeitung*, now supporting Warmoth, warned the Democrats that they should make concessions. The fact that they did not do so merely lent color to the charge of Carl Schurz—who had visited New Orleans in 1865 at the request of President Johnson—namely, that the South was not at all chastened by defeat and would re-enslave the Negro as soon as practicable, if legal safeguards were not taken.[12] But between the safeguards necessary to protect the freedmen and safeguards to insure the permanence of Radical Republicanism there was a broad and significant difference, as Carl Schurz

[8] *Deutsche Presse*, April 26, 1868.
[9] *Echo von New Orleans*, September 4, 1870.
[10] *Deutsche Zeitung*, May 3, 1868.
[11] *Deutsche Presse*, May 5, 1868.
[12] C. V. Fasum, *Carl Schurz, vom deutschen Einwanderer zum amerikanischen Staatsmann* (Hermann Böhlan Nachf., Weimar, 1937), 194-195.

himself later pointed out, when the scandals of Reconstruction in Louisiana became too violent to be ignored. For the time being, the first actions of the Democrats in 1868 gave plenty of fuel to the Radical claim that the South had sinned, was unrepentant, and should be punished. Governor Warmoth, for instance, in his apologia[13] cites the case of the Democrats in Opelousas, St. Landry Parish, Louisiana; the restrictions placed on Negroes during the short Democratic rule there were entirely too much like slavery. The activities of night-riding Ku-Kluxers and Knights of the White Camelia, always overestimated in their actual importance, merely convinced fanatics like Stanton and Sumner, and their allies, that Abraham Lincoln and Andrew Johnson had been almost traitorously kind in their treatment of the South.

And yet, in spite of such actions, the Radicals could hardly claim as good a record. The Louisiana constitutional convention of 1867-68 had discriminated against many white voters, but had admitted all Negroes to the vote. The convention was divided from the start between the "pure Radicals," led by P. B. S. Pinchback, a Negro of some education, and another Republican group, led by George M. Wickliffe, a former antiabolitionist who had seen the light, so to speak, and now demanded equal distribution of all offices between whites and blacks.[14] The latter was defeated by Pinchback, who played a very interesting part in the subsequent course of Reconstruction. The convention disfranchised, in effect, all who had had anything to do with the Confederacy. In fact, only the influence of General Hancock, new military commander of the Fifth district, prevented the complete suspension of the *habeas corpus*, trial by jury, liberty of speech and the press, and the other "natural rights" of man. New problems of race relations were created by some demagogues, who eventually succeeded in aligning black against white even in those cases where their interests were identical—for example, in the administration of school funds. Money appropriated for school purposes, ostensibly to provide mixed colored and white schools, a great fetich of the Radicals, simply did not reach its destination. The result was no schools at all.

In this connection, the Germans were better off than the remaining population, as they had been during the war. Their

[13] H. C. Warmoth. *War, Politics and Reconstruction: Stormy Days in Louisiana* (Macmillan, New York, 1930), Chap. VIII.
[14] Henry, *op. cit.*, 280-281.

private and religious schools, of both confessions, were kept going the entire period, and must have served greatly to consolidate the group in the later conflicts of 1872 and 1874. On the whole, the German element must have looked with consternation upon the decay of government that took place locally and nationally after the attempted impeachment of Andrew Johnson. They undoubtedly felt keenly that a Negro, by being merely born in the United States, was immediately and *ipso facto* admitted to citizenship; while an intelligent German or other European was first required to undergo a probation of five years. Nor was the example of Northern states calculated to give any consistency to the political picture. In the conquered states Negroes were allowed to vote; in most of the conqueror states were not. Connecticut flatly refused to grant Negroes the vote. States with a heavy German population, such as Wisconsin and Minnesota, refused to enfranchise the Negroes. The attitude of Northern Germans was, however, fairly consistent. The Germans in Wisconsin, like those in Louisiana, were in general against slavery, but were by no means pro-Negro. The *Deutsche Presse* did not fail to criticize Carl Schurz for not raising his voice at the Chicago convention of 1868 to enfranchise his German (Confederate) compatriots in the South.[15] A Louisiana Negro could vote; a Louisiana German who had done his duty to his adopted state could not. Furthermore, there was now no technical barrier to the election of a Negro to the Presidency of the United States; to the election of a German-born citizen, such as Mr. Schurz himself, there was a constitutional barrier.

Such problems were actually very theoretical and unimportant beside the supreme fact that Louisiana was in a very bad way financially and politically. The Legislature that met in June, 1868, promptly proceeded to attempt to unseat its Democratic minority on the basis of the 1862 oath of loyalty, instead of the moderate oath required in the new constitution. General Grant made his last impartial gesture to Louisiana by scotching this proceeding and by ordering the Legislature to administer the new oath. At this act of simple justice, the *Republican*, now owned by Michael Hahn, was exasperated; the *Deutsche Presse* was jubilant. The new Legislature did its work of ratifying the new amendments. The new Governor, Henry Clay Warmoth, and the new Lieutenant-Governor, Oscar J. Dunn (colored), were

[15] *Deutsche Presse*, June 11, 1868.

inaugurated. William Pitt Kellogg and John S. Harris were elected as United States Senators, and were actually seated. A brief period of quiet ensued; the administration (though not the Legislature) was sobered by the fact that there was no more money to misspend, the State's credit was a tragic joke, and the State government itself was absolutely dependent on Federal military aid to maintain order and its own authority. However, the new Governor, only twenty-six years old, started his administration in good harmony with the powers that were—namely, General Grant,—and would probably have reconstructed the State peaceably enough if the Republicans could have remained at peace with themselves. For some eighteen months the superficial peace of this monstrosity of a State government was disturbed only by the jockeyings for power of Warmoth and his Lieutenant-Governor, Dunn, of S. B. Packard, Chairman of the State Republican Committee, and (later) J. S. Casey, one of Grant's first appointments. Casey was technically Collector of Customs for the Port of New Orleans, but his chief recommendation was the fact that he was Mrs. Grant's brother-in-law, and his chief function was that of guardian of the interests of the President's friends.

The German element, almost to a man, refused to have anything to do with the "carpetbag" Warmoth administration, with Packard, Dunn, or Casey. It was inevitable that all these men, after Casey's appointment in 1869, should begin to go different ways, especially since the conservative white Republicans were inclined to make common cause with the Democrats when the race issue was raised—and it frequently was raised—by Radical politicians. Warmoth himself courted the conservatives of both parties; Packard, Dunn, and Dunn's successor P. B. S. Pinchback (colored, elected to succeed the deceased Dunn in December, 1871) generally stressed the race issue, as did Casey when he thought it advantageous to his brother-in-law and chief to do so. However, from June, 1868, to January, 1871,[16] there was some degree of peace, during which the German colony made several notable advances, which attracted wider attention than any earlier cultural activities of the group. The reason for the rise in prestige was partly the fact that the Germans were solidifying as a local political force, partly the phenomenal achievements of

[16] The date of the beginning of the breach between Warmoth and Casey. *Cf.* Warmoth, *op. cit.*, 107.

Bismarck in the homeland. Although their local political force was still small, it was for the first time solidified and a factor to be reckoned with in Louisiana politics.

Locally, the Germans of New Orleans might point with pride much like slavery. The activities of night-riding Ku-Kluxers and Knights of the White Camelia, always overestimated in their to the years 1869-1871. In February, 1869, the three-story Turners Hall on Dryades and Lafayette Streets was finished, and dedicated with a grand celebration and speeches in English and German, with orchestra and "Maennerchor."[17] In the same month the German theater reached a prestige hitherto unknown with the arrival of Fanny Janauschek, the famous actress, whose company played at the St. Charles Theatre from February 22 to March 7. On the first date mentioned the actress played Schiller's *Maria Stuart* in German, while Mary Gladstane played the same tragedy in English at the Varieties Theater on the same evening.[18] The same thing occurred again on February 28. In the meanwhile, Janauschek gave Grillparzer's *Medea* on the 23rd, Schiller's *Cabale und Liebe* (*Love and Intrigue*) on the 25th and *Don Carlos* on the 27th. The *Times* wrote on the 28th: "This talented actress has taken the German element of our population by storm. Her success has been a marked one, and her characterizations can claim to be among the most thorough, in declamation and gestures, which have attracted New Orleans audiences."

Her English-speaking rival, Mary Gladstane, also gave other German dramas in translation at the Varieties, among them Kotzebue's *The Stranger*.[19] Janauschek ended her New Orleans season by playing *Lady Macbeth*, in German, while the remainder of the cast used English.[20] Charles Pope, the American stock lead at the St. Charles, played Macbeth; after Janauschek had departed he gave a performance of Schiller's *The Robbers*.

German nondramatic literature, also, advanced to higher esteem in New Orleans in 1869-1870. To judge from the book-review columns of the *Times*, which was very pro-German from 1869 to the foundation of the Reich, translations from the German were rather widely read at this time. Among German authors discussed or reviewed were Frytag, Zschokke, Auerbach, Fouque, and Goethe; the translation of Goethe's *Hermann und*

[17] *New Orleans Times*, February 23, 1869.
[18] *Ibid.*
[19] *Ibid.*, March 3, 1869.
[20] *Ibid.*, March 7, 1869.

Dorothea by Ellen Frothingham was criticised with evidence of good knowledge of the original. The *Times* and the *Picayune* frequently published translated poems—usually of rather poor quality. This trend toward German literature as a "genteel" subject of study and interest had begun some years earlier in the East and had spread southward only under difficulties. In 1860 the erratic George Fitzhugh of Virginia had taken notice of the influence of German literature in the North, and had deplored it.[21] Admitting that all his knowledge of German literature came from Mme. de Stael's *De l'Allemagne*, Fitzhugh urged that the German language and letters be studied in the South in order that German transcendental ideas be counteracted. The journal in which Fitzhugh published his essay, *De Bow's Review*, did not publish any translations from the German until 1869-70, when Gutzkow's *Uriel Acosta* appeared serially. War and Reconstruction had made quite a difference. The *Crescent Monthly*, which like *De Bow's Review* was published in New Orleans, printed in 1867 two translations from J. G. Herder's *Legends*.[22] Increasing attention was given in the newspapers to facts about German writers of the classical period—among whom Schiller still remained the most important figure for American critics. German philosophers were usually condemned in New Orleans magazines and newspapers. But the mere fact that the *Daily Picayune* noticed the philosophical system of Eduard von Hartmann with a major editorial[23] is significant, even if the editor—in wholly unconscious agreement with the later Friedrich Nietzsche—did condemn it as pure nihilism. German music was received in a more friendly fashion. Almost annually there was a season of German opera at the National Theatre or at the Academy of Music. And a large proportion of visiting concert artists of the early 70's were Germans. The "Classical Music Society" met regularly for rehearsals of the greatest works of German classical composers, particularly of Haydn and Mozart. It was the American, Theodore Thomas, who introduced New Orleans to the genius of Richard Wagner with several concerts of his fifty-piece orchestra at the National Theatre in February, 1872. The local critics politely mentioned the Wagnerian music, but frankly preferred the orchestra's playing of *The Blue Danube*.[24]

[21] *De Bow's Review*, XXIX (1860), 280-290.
[22] *The Crescent Monthly*, February, 1867, 142-144.
[23] *Daily Picayune*, December 3, 1872.
[24] *New Orleans Times*, February 20, 1872.

The German churches functioned very smoothly during the entire period of Reconstruction; their schools were especially worthy of note. However, there were also secular schools in which the language of instruction was German; and some of these attracted very favorable attention from the non-German population in a period when the attempt was being made to force mixed schools on an unwilling white population. The "German-American School Association," for instance, opened a nine-room school at 242 Royal Street on February 28, 1871, with exercises in German and English, and with an address by Charles F. Buck, graduate of the Louisiana State Seminary (later Louisiana State University.) The school began with three hundred pupils, and seems to have been excellent.[25] The public schools had collapsed utterly, and the school problem had become very serious. Although the political officials seem to have drawn their salaries with a regularity that is amazing when one considers the condition of the State treasury, the school teachers of New Orleans usually went without regular pay. The Germans' efforts to improve this situation, as far as their group was concerned, undoubtedly raised their prestige in the city at large.

In the matter of the growing prestige of the German element the phenomenal rise of Germany in Europe was more important than any amount of local cultural strivings. It was during the Warmoth administration that news of the Franco-German War and of the subsequent unification of Germany came to New Orleans. Unquestionably the tremendous events in Europe served greatly to unify the German colony, especially since each battle had to be fought over again and again in the adopted city. But the Germans now had powerful journalistic allies in the English-language press—Editor Bigney of the *Times* was quite pro-German, and the *New Orleans Republican* was owned by Michael Hahn. The *Picayune* and the bilingual *Abeille* were pro-French. Since the *Deutsche Zeitung* had left the Associated Press, it did not receive timely reports of the war, and thus sank lower as the organ of the Germans. Both the *Deutsche Zeitung* and the weekly *Echo von New Orleans,* however, gave loyal support to Bismarck's unification policies. The Catholic *Echo von New Orleans* organized collections for the support of Prussia and Bavaria. But even the *Picayune* was somewhat halfhearted—it apparently did not like to be on the same side as the Grant

[25] *Ibid.*, March 1, 1871.

administration, which was supplying arms to the French government. This action of the Radicals contributed greatly to the alienation of the German vote in the nation at large, a fact which both the *Times* and the *Picayune* later emphasized. The *Times* had openly admired Bismarck as early as April 11, 1869. It reviewed J. G. L. Hesekiel's *Life of Bismarck,* translated by K. R. H. Mackenzie, in 1870 with the comment: "If the policy of Bismarck rises triumphant from out of this wreck of matter, he may then be classed with the men like Richelieu and William of Orange, who so changed their country as almost to have re-created its nationality."[26]

In September the news of Sedan reached the Germans of New Orleans. But the war was not yet won, in spite of the exultations of the two German newspapers. The *Times* gave as its opinion that the Germans were fighting "to vindicate the pride and honor of their race," but cautioned them against being gulled "by a German edition of the French *gloire.*"[27] In January, 1871, the *Deutsche Zeitung* delightfully blared the news: "Paris is ours!" and was taken to task by its ally, the *Times,* which laughed at the "divine right" proclamation of the new Emperor, William I, and termed the new empire "the most absolute military despotism in Europe."[28] Rather inconsistently, the *Times* then defended the Germans in Europe against the *Picayune,* which accused them of unseemly exultation; the *Times* further praised Bismarck, Roon, and Moltke as wonderful organizers who deserved no censure for entering Paris after having been uniformly victorious.[29]

Beside the unquestioned gain in prestige that fell to the Germans of New Orleans after the victory of their European brothers, the colony now expected numerical growth. The *Deutsche Zeitung* took the lead in supplying materials to the State Commissioner of Immigration, and in pointing out the advantages of Louisiana as a field for German settlement. In this purpose it was applauded by the conservative non-German forces of the State, and for two very definite reasons. First, the Germans in the country at large were known to be politically a stabilizing force, who might be counted upon to neutralize the Radical influences in the State. The Germans were known to be definitely

[26] *Ibid.*, May 22, 1870.
[27] *Ibid.*, October 6, 1870.
[28] *Ibid.*, February 1, 1871.
[29] *Ibid.*, March 3, 1871.

a class of small property owners and lovers of political order. In the North the Germans were beginning early in 1871 to turn against the corruption of the Grant administration, a fact which endeared them to the victims in the South. Second, the resources of the bankrupt State were crying for development, and the ability of Germans to obtain profitable return even from unfavorable soil was well known. Very early in the Reconstruction period *De Bow's Review* had called for more active official support of German immigration;[30] later, the New Orleans press became at times quite sharp in its demands that German and French immigration be effectually encouraged. When the *National Republican* (the organ of the Casey party) in 1872 pointed out the inconsistency of the Democratic policy of encouraging immigration from abroad and discouraging immigration from the North, the *Picayune* (by no means pro-German) answered: "The difference between the honest immigrant and the carpetbagger is the difference between good and bad, the difference between right and wrong, and we might also say, the difference between heaven and h--l."[31]

It was during this period that the agricultural colony at Faquetaique, in St. Landry Parish, was founded by Joseph Fabacher, a wealthy Orleanian of German birth, who settled sixty German immigrants on lands in the heart of French Louisiana. More settlers were added, and a German Baptist colony was started later in the adjoining Acadia Parish. (The Fabacher colony was, and is, Catholic.) The Fabacher colony attracted wide and favorable attention. The *Opelousas Journal*, for instance, printed in 1871 an interesting letter from a visitor to the colony, parts of which I quote:

> We did not see a single colored person in the settlement. The Germans do their own work. They all work and they do their work well. The rich work as well as the poor. . . .
>
> They seem to have no social distinctions, but only business ones. The individual who is employed by another, or does menial service for him, does not lose his social footing after the work is over. The employee is faithful, obedient, respectful, and everything else that a good servant should be. But when off duty he is as good socially as his employer. . . . This, we may suppose, may be called a perfect democracy. . . .

[30] *Cf.* especially *De Bow's Review*, N. S. I. (1866). 87 ff., and N. S. IV (1867), 576 ff.
[31] *Daily Picayune*, November 25, 1872.

> German laborers do more and better work than our laborers. They are more economical, saving and thrifty, than we are and get along and make money and property where we would starve or remain in poverty. Those who predict their failure judge them from their own standpoint. The Germans of this settlement think, as far as the land locations and surroundings are concerned, they are living in an earthly paradise. Their object seems to be the pursuit of happiness, to be happy where they are.
>
> We think they will succeed.[32]

They did. More settlers were attracted to the 14,000 acres of the Fabacher lands, and the colony could report general prosperity the next year, by which time the colonists had already built a school and a chapel, and had planted orchards and vineyards.[33] In 1881 immigrants were still slowly coming to the colony, which began to specialize in rice culture, although oats, potatoes, corn, sweet potatoes, cane, and tobacco were also being grown there in that year, according to a letter included by Wm. H. Harris in his work on Louisiana resources.[34] The colony is still flourishing at the time of writing (1939).

In contrast with the ante-bellum immigration via New Orleans, which had consisted at least to 50% of "German Liberals," i.e., of urban artisans, tradesmen, and intellectuals, the German immigration of the '70's was almost exclusively rural. A very small percentage remained in Louisiana; most went to Texas, Arkansas, or California. There was, however, a great deal of settlement of individual German families in all rural parishes of the State, notably in Washington,[35] and East Feliciana Parishes. The extent of this I have been unable to ascertain.

The New Orleans German colony, then, did not receive the expected accessions from abroad. A much smaller, almost negligible proportion of German immigrants remained in the city; and at no time during Reconstruction did German immigration reach the high peak of 1854, when 40,006 Germans had landed in the city.[36] In the meanwhile, the political situation in the city was growing intolerable. In February and March, 1870, the Legislature had passed a bill which authorized the formation of a Re-

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[32] *Opelousas Journal*, July 8, 1871.
[33] *New Orleans Times*, February 11, 1872.
[34] Wm. H. Harris, *Louisiana Products, Resources and Attractions with a Sketch of the Parishes* (New Orleans, 1881), 43.
[35] *Echo von New Orleans*, June 5, 1870.
[36] J. Hanno Deiler, *Geschichte der Deutschen Gesellschaft von New Orleans* (New Orleans, 1897), 75.

turning Board, consisting of the Governor, the Lieutenant-Governor, the Secretary of State, and two senators, and had empowered it to scrutinize election returns. The returns themselves were made up by officials appointed by the Governor. Also, since the Governor decided who should vote, and was entrusted with absolute authority to keep order on election days, he was made virtual dictator of the State.[37] With this pleasant arrangement Governor Warmoth managed to get his henchmen re-elected in 1870, and the State could look forward to two more years of personal politics. He obligingly created parishes for the benefit of political friends, and managed to carry into office several legislators who did not even reside in the districts they represented. The Legislature, grateful to its leader, allowed the Governor to have his way in everything but money matters. In this connection, being long-suffering servants of the public, they reserved the right to vote themselves adequate largesse, to attempt the flotation of a fantastic bond-issue, and to parcel out the state offices to a most incredible gang of hangers-on. The Governor could no longer control the situation, since the Republican party was beginning to split up. On the one hand were the conservatives, then came the administration party, and a third, extremely Radical group, known euphemistically as the "Custom House Gang," gathered about Collector Casey, the brother-in-law of the wife of the President of the United States.

With the example of the President so painfully evident, it is no wonder that nepotism flourished in school appointments to such an extent that even Michael Hahn made an about-face in politics. Disgusted with the administration's juggling with school funds, Hahn began, in April, 1871, to withdraw from the Radical camp.[38] The *Deutsche Zeitung*, now thoroughly cured of its mild Radicalism, also began attacks on the administration and its left wing, which was growing more and more unmanageable. In the fall of 1871, the German newspaper proposed that Senator Carl Schurz, whose stand on the Santo Domingo question was known and approved in Louisiana,[39] should be invited to make an impartial investigation of the slow progress of Reconstruction in Louisiana.[40] The idea was taken up by the press of other language

[37] Henry, *op. cit.*, 403-404.
[38] *New Orleans Times*, April 6, 1871.
[39] *Ibid.*, April 19, 1871. (Schurz, with withering sarcasm, had led the fight against the intended annexation of the Negro republic.)
[40] *Deutsche Zeitung*, October 10, 1871.

groups, but nothing came of the matter. In the meanwhile the Legislature of 1871 had cost the people of the state $113.50 per day per member,[41] and there seemed to be no way to prevent even worse excesses and worse abuses of the treasury in the coming January. Warmoth was now isolated, since Casey, disappointed at not having been elected U. S. Senator, had broken with him. The colored Lieutenant-Governor, Oscar J. Dunn, died in November, leaving the administration without the colored vote. Impeachment of the Governor was threatened by the coming Legislature; the Governor replied by attacking the Custom House crowd. The German element stood aghast as the events of 1872 cast clearly discernible shadows before them. The Custom House party had already pre-empted the title "Reform Party," but a German reform group, called the German Liberal Club, was formed in November with the purpose of bringing about real reform. In December the idea had spread to other groups, and a combined meeting was held in the Mechanics Institute on December 1st. The purpose was purely local—the city of New Orleans was suffering from the confiscatory tax-rate of twelve percent, and Mayor Flanders was unable to prevent the "Administrators" from indulging in the wildest financial projects. The protest meeting was addressed by Christian Roselius and other outstanding citizens. Among the Vice-Presidents were the leaders of the German element.

Mr. Roselius pointed out that the city's debt, which according to one estimate was $21,000,000, according to another was $24,000,000, would have to be paid, no matter how dishonestly it had been contracted. But he also demanded that the high interest rate be lowered; and after that he demanded that it be made a crime for an Administrator to contract a debt unless the money was actually in the treasury.[42]

Just how this was to be done was left undiscussed by the great German lawyer. Federal authority stood gloomily behind the Custom House gang. The Governor was now at odds with Grant, and could not be expected to check the extravagances of men who, like himself, were playing personal power politics in the maelstrom of Reconstruction. This became evident when the Legislature met in January, 1872. Then it was found that several men who had been entrusted with great power by Warmoth,

[41] Henry, *op. cit.*, 458.
[42] *New Orleans Times*, December 2, 1871.

were ready to abandon him at any time. The first act of the Radical (Reform!) faction was to have the Governor arrested by the U. S. Marshal.[43] Released on bail, the Governor declared three of his former allies, G. W. Carter (for whom Warmoth had created the Parish of Cameron,) H. R. Stinde, and J. B. Nands as illegally in possession of their seats. Then both factions attempted to "purge" the Legislature. The result may be described in the words of the *Times* of January 6th:

> With two Legislatures in full blast, a Governor under bond to appear to answer a charge of conspiring to prevent citizens from the exercise of their civil rights, with one of the Legislatures guarded by United States forces, by the militia, and by a body of armed police, and the other holding its sessions some four or five squares off—defended by a force of armed citizens and awaiting the return of three of its members, who have been imprisoned to make a quorum; with one half of the Senate afloat in a United States revenue cutter, awaiting the arrival of two or more members of the same complexion to give them a majority; with U. S. Marshals and Sergeants at Arms running around to arrest absent members of the two bodies claiming to be Houses of the General Assembly; with a Governor treating his followers to champagne in exultation over the great victory obtained by such means; and amid such scenes, altogether, the condition of affairs in this city is the most extraordinary ever presented by an organized community.[44]

In February, a number of public-minded citizens organized into a "Committee of 51," with the purpose of building a true reform party. Of the fifty-one members thirty-one were Germans, although the chairman, W. M. Randolph, was not.[45] The chairman immediately broadened the organization to include all groups, and his final "Provisional Committee" contained only three Germans, Louis Schneider, Adolph Schreiber, and W. B. Schmidt. This, however, did not alienate the Germans in the reform group; they retained their own organization, and did not ask that Germans, *as* Germans, be appointed to political office. For this stand they were commended.[46] The German group simply went bodily over to the new Liberal Republican Party, then being formed by Horace Greeley and Carl Schurz. In April, when the national organization was almost complete, the German Liberal group of New Orleans met at the "German Company Hall" (Deutsches

[43] *Ibid.*, January 5, 1872.
[44] *Ibid.*, January 6, 1872.
[45] *Ibid.*, February 18, 1872.
[46] *New Orleans Republican*, April 2, 1872. *Cf.* also *Deutsche Zeitung*, April 1, 1872.

Haus,) and prepared to function for the first time as a German political unit in a campaign. The meeting was presided over by Charles Potthof (banker), Louis Schwarz (bookseller) was Vice-President, Georg Förster (journalist) was secretary; it was addressed by Charles Dirrhammer, Förster, and Louis Schneider, one of the original Committee of Fifty-One.[47] The *Republican*, now definitely anti-Radical, wrote:

> The manner in which the Grant organ of this city treats the German meeting held here on Friday night last is good evidence of its importance. We have seldom seen a larger or more respectable meeting of our German fellow-citizens than was congregated in the Deutsche Company Hall to elect delegates to the Cincinnati convention, and give expression to the German feeling of this city in regard to the great reform movement that is expected to be inaugurated by the convention of patriotic and talented men to be convened in Cincinnati on the first of May.[48]

The "Grant organ" (*The Citizens Guard*) said that the German group would get plenty of lager beer in Cincinnati, but its attacks merely sent more strength to the Liberals. The chief problem was not attacks from the Custom House faction, but the question of what relations should be entertained with Governor Warmoth. Caught between the Democrats and the viciously hostile Radicals, the Governor was making a definite bid for Liberal support. But the German wing of the Liberal party was determined to have nothing to do with Warmoth, whom they regarded, rightly or wrongly, as chiefly responsible for the racial alignment in State politics. While other Liberal factions in Louisiana compromised with Warmoth, the German group refused to coalesce with the administration forces and elected eight delegates of their own to Cincinnati.[49] The non-German groups argued that they could not dispense with Warmoth's support—especially in view of the Returning Board situation. The Germans maintained that the situation was precisely what they were fighting. They did agree to permit Warmoth to lead the State's delegation to Cincinnati, but to the last maintained their aloofness.

As early as April 25 there had been open suggestions that the new Liberal party should make a fusion with the Democrats in order to make a final clean-up of the State government.[50]

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[47] *Ibid.*, April 29, 1872.
[48] *Ibid.*, April 28, 1872.
[49] Ella Lonn, *Reconstruction in Louisiana (after 1868)* (G. P. Putnam's Sons, New York, 1918), 156.
[50] *New York Herald*, April 25, 1872.

The Louisiana situation was a national issue. The *New York Herald* even suggested that Governor Warmoth, who had begun as a "carpetbagger," was now "Southernized" and might be a valuable ally in the coming campaign, since he apparently held the key to the situation. Later events were to disprove this surmise, however.

After having had their minute part in the nomination of Greeley and B. Gratz Brown for President and Vice-President, respectively, the eight German delegates returned to New Orleans with the remaining 117 Liberal delegates, and began campaigning. Actually, the Germans formed the main strength of the Liberal party in Louisiana, as Miss Lonn points out, in spite of their small delegation to Cincinnati. On May 31 the German Liberal Party ratified the action of the Cincinnati convention.[51] It also decided to abandon its idealistic attitude of demanding no German-American representation, and resolved to support no state ticket whatever that did not include such representation.[52] The state Liberal Republican Committee lost no time in reassuring the German vote, which, indeed, at this time was the only dependable block in the callow party. Committees of the state organization and of the German Liberals met and agreed that a state fusion ticket, containing the names of Jacob Hassinger, Georg Förster, Louis Schwarz, and George Stromeyer be put in the field. The *Deutsche Zeitung* advised the German element to accept even Warmoth to lead the ticket, since no other arrangement could carry the state against the Radicals.[53] Such an idea was displeasing to a majority of the German Liberals, who were expecting a far more welcome fusion with the Democrats. The latter were just as anxious for this, and merely insisted they would have nothing to do with Warmoth or "Warmothism." Throughout the early part of June the dickering went on. A petition with 2,500 German names already attached to it and calling for the support of all conservative elements in Louisiana was circulated by the German Liberal group.[54] At about this time (June 20) the Radical party, in convention at Baton Rouge, began to split, with one faction under S. B. Packard, another under Pinchback. The "Independent Greeley and Brown Executive Committee," the "Liberal Republican Executive Committee,"

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[51] *New Orleans Republican*, June 1, 1872.
[52] *Ibid.*, June 5, 1872.
[53] *Deutsche Zeitung*, June 1-15, 1872, *passim*.
[54] *New Orleans Republican*, June 16, 1872.

and the "German Committee" published jointly a manifesto on June 23, mainly directed as the standpat Democrats whose organ, the *Daily Picayune,* was still poking fun at the Liberal movement. Now was the time to act, said the Liberals; and when the Radical Baton Rouge convention finally adjourned after some reconciliation, the dangers of a purely Radical rule for some further years became more threatening than ever.

To some extent, the *Picayune* and the party it represented, were propelled from behind into the new fusion movement. The Baltimore convention nominated Greeley and Brown. In Louisiana the Democrats nominated John McEnery for Governor, insisting they would not coöperate with any group or groups tolerating Warmoth. The Democrats won out with this commendable firmness; and the Liberals, whose German bloc felt similarly, were forced eventually into a final fusion with McEnery at the head of the state ticket. There were hundreds of meetings, numbers of appeals from the Democrats to the German voters, who were dissatisfied with Liberal capitulation to Governor Warmoth.[55]

The *Picayune* devoted some attention to the make-up of the German Liberal group. For instance, we find the following in the issue of July 24:

> The German members of the Liberal Party are, with some few exceptions, what we may call middle-class men, of all trades and occupations. They are substantial men and taxpayers whose names may hardly be known outside of their own narrow circles, because they have never been moved to take an active part in political matters. Ground down by high taxation, exasperated by the ever-growing mismanagement of public affairs, they come forward now in this crisis in order to try whether by their own exertions they will be able to save what is left to them out of the fruits of their labors.

There followed further appeals, the final result of which was the famous fusion of 1872. After much discussion and argumentation, the combined Democratic and Liberal party ticket was announced. There were no Germans on the State Fusion ticket, which was headed by the Democrat McEnery, but the local ticket listed Louis A. Wiltz for mayor, Louis Schneider for Administrator of Finance, Charles Fitzenreiter for Administrator of Waterworks, H. F. Stürcken for Administrator of Police. Peter

[55] *Daily Picayune,* July 21, 1872.

Schwager, Charles Kummel, and M. Dietrich were German Fusion candidates for the Legislature.[56] This was the largest German representation ever seen on any Louisiana ticket before 1872. The Radical ticket had no German representation whatever.

In the meanwhile, Governor Warmoth was left out in the cold, but actually supported the Fusion ticket with good grace. To the very last minute, however, he was supported for the governorship by the *Deutsche Zeitung*, which thus ceased to represent the opinion of the German element in any way. Attempting to adopt a "non-partisan" attitude, the *Deutsche Zeitung* criticized the Fusion candidate McEnery, drawing blasts from both the *Picayune* and the *Republican*. The former brought up the old charge that the German paper had been receiving $60,000 a year from the Warmoth administration since 1868.[57]

The election of November, 1872, found four tickets in the field, a hopelessly mixed situation, with the real fight between the Fusionists and the Custom House Radicals occupying the center of the stage. Warmoth was with the former, Lieutenant-Governor Pinchback with the latter. The actual election was a tragic farce; under the Returning Board arrangement it could hardly have been anything else, because the personnel of this body now split into two factions, each claiming sole jurisdiction. No one will ever know just who really was elected in Louisiana in 1872. The Warmoth returning board declared the Fusion candidates elected; the seceding faction declared the Custom House candidates elected. To make sure that the latter decision would hold, the Custom House candidates, Kellogg and Antoine (colored), brought suit in the United States Circuit Court, presided over by Judge E. H. Durell. To the astonishment of the nation at large, the judge declared the Custom House candidates elected, and his decision was immediately confirmed by the chief beneficiary of the action, President Grant. It seems to have occurred to no one except the losers that the court had no jurisdiction. Appeal, because of the swiftness with which scene followed scene, was absurd. By the time the U. S. Senate investigating committee could examine the situation, Judge Durell had issued a whole series of further injunctions; and President Grant, acting upon advice from his brother-in-law, had supported them with Federal troops, a Radical legislature had impeached Warmoth, and

[56] *Daily Picayune*, October 23, 1872.
[57] *Ibid.*, November 3, 1872.

the situation had become worse than ever. It was in vain that Governor Warmoth, whom even his bitterest enemies never accused of spinelessness, used all kinds of political maneuvers to assert his authority—including signing (in 1872) a bill passed in 1870 abolishing all returning boards.[58] Pinchback succeeded to the governorship, and only the belated action of the Senate investigating committee revealed the extent of Federal interference. Judge Durell later resigned to avoid impeachment.

In the meanwhile, the local Fusion candidates had won by too wide a margin for even Judge Durell to enjoin them. The German party thus won in the parish and city in spite of the situation in the state and nation. Their candidates were officially installed. The effect of the election scandal was, however, to swing the German vote over to the Democratic party, where it has remained until the present day. Up to 1872 the Germans had been moderates, distinctly out of harmony with the extreme Democrats. There was obviously no hope now from the Republican factions, Radical, Conservative, or Liberal; all were either impotent or venal. With the removal of Warmoth all incentive to even moderate Republicanism was removed for Hassinger; his *Deutsche Zeitung* now became Democratic, and began to play a really constructive part in the rebuilding of the state. It consistently opposed the venal Kellogg government, and undoubtedly had influence outside the state in calling to the attention of Germans in other sections the deplorable conditions in Louisiana. It also assisted in uncovering some of the scandals of the previous administration in the matter of tax-collection. Many taxpayers, for instance, found that their names were on delinquent lists although they had valid receipts for taxes paid during the Warmoth administration.[59] But things were not at all better under the *de facto* Kellogg government. The latter was now trying to use the outmoded method of employing Federal troops to enforce its decayed authority in the state at large. At Washington nothing was being done, although a growing sentiment throughout the nation was beginning to be felt; its substance was that United States forces should not be used by political parties to insure their continued domination. In Louisiana the support of the administration consisted of its office holders and the power of the United States Army. The *Picayune*, in despair, suggested

[58] Warmoth, *op. cit.*, 222.
[59] *Deutsche Zeitung*, June 21, 1873.

that France be requested to intervene to save Louisiana from the Grant despotism;[60] the *Deutsche Zeitung* laughed at this frivolous suggestion, which had actually been made during Ben Butler's occupation of New Orleans in 1862, and pointed out that the intolerable conditions in the state—which, because of Radical propaganda in the North, were not widely known—could be alleviated only by American action.[61]

It was a German journalist who first gave the United States at large an unbiased report of the actual situation. Charles Nordhoff, a young German reporter on the staff of the *New York Herald*, undertook a trip to the Southern States in 1875 at the request of his employer, James Gordon Bennett. His report, entitled *The Cotton States*, was published by D. Appleton and Company in the early part of 1876, and is a masterpiece of unbiased reporting. As a preliminary to his report on special observations in Arkansas, Louisiana, Mississippi, Alabama, North Carolina, and Georgia, Nordhoff listed his 41 general conclusions for the benefit of the President. Emphasizing that there existed no desire for war in any of the states he visited, that the Southern whites could hardly be expected to rejoice in their defeat, Nordhoff placed the blame for the dangerous color-question squarely on the shoulders of the Radical Republican politicians who had inflamed racial passions.[62] With surprising insight, he recommended retreat from the consistent attack on Southern traditionalism; he also pointed out unexploited mineral and agricultural possibilities, whose reasonable use would help enrich the nation at large; and he advised the encouragement of crop-diversification.[63] In his sympathy for the South in its post-war economic struggle, Nordhoff noticed that the chief obstacle to economic reconstruction was the Federal officeholder. In his chapter on "Louisiana in April, 1875," he pointed out that one of the chief problems in Louisiana was the complete breakdown of justice under Federal rule, and that the total lack of confidence in the State government was another. This lack of confidence, of course, derived from the continued influence of the Federal authorities, such as the U. S. Marshal, whose powers under reconstruction were like those of a viceroy.[64] The tremendous debts run

[60] *Daily Picayune*, July 4, 1873.
[61] *Deutsche Zeitung*, July 6, 1873.
[62] Charles Nordhoff, *The Cotton States* (D. Appleton, New York, 1876), 12-14.
[63] *Ibid.*, 23-24.
[64] *Ibid.*, 64.

up by all carpetbag legislatures were carefully noted and condemned by Nordhoff; from the figures he drew a reply to the Northern charge that Southern irreconcilables would make the existence of the Republican party impossible in the South if the Federal authorities should withdraw. Democrats would intimidate Republicans, it was charged; Nordhoff, besides pointing out the extreme intimidation in the other direction, also cited figures on the expenses incurred under corrupt Republican rule. In conclusion he wrote: "It is my belief that they ought now to be finally—in this State—left to themselves, so far as the political interference of the Federal Government is concerned."[65]

Just what was the effect of Nordhoff's book would be hard to estimate. Certainly the events of 1876 would hardly make one believe that its effect had been very great. Undoubtedly it did contribute towards making the Louisiana question an even greater issue in the election of 1876 than it might otherwise have been. In this ironical election it was to be the fate of Louisiana to cast the decisive electoral vote. And the history of Louisiana's electoral vote in that year is sufficiently well known. For the promise of a withdrawal of Federal pressure the vote was given to Hayes, —who had already reconciled himself to defeat. Again it is impossible to say what Louisiana's vote actually was, since the returns were undoubtedly doctored to fit the bargain between state and national machines. The bargain was a good one, for it gave reasonable assurance of the end of carpetbag rule. In the meanwhile, the bargain also confirmed the belief of the New Orleans Germans that no faith could be placed in Republicans, especially when bargaining. With the memory of the Durell scandal of 1872 and the trade of 1876 in mind, it is no wonder that the German group became an integral part of the Democratic party in a one-party system, in spite of the recognized dangers of a one-party rule. Since 1878, when Federal control was finally removed, to the present day, the group has remained solidly Democratic, and is even yet an important element in the political life of the city.

[65] *Ibid.*, 73.

THE ORIGIN AND ACTIVITIES OF THE "WHITE LEAGUE" IN NEW ORLEANS (REMINISCENCES OF A PARTICIPANT IN THE MOVEMENT)

Edited by WALTER PRICHARD

INTRODUCTION

When the curriculum of Tulane University was reorganized in 1893, John Rose Ficklen, who had long been a member of the faculty, was made Professor of History and Political Science. He began almost immediately the herculean task of collecting source materials for his projected "History of Reconstruction in Louisiana", which he planned to make an exhaustive and complete treatise on that important phase of Louisiana history. Much of his time was devoted to this work until his untimely death in 1907; but he had completed his manuscript only through the year 1868 when his labors ceased. The part of his work that was practically ready for the press was published in 1910, under the editorial supervision of his colleague, Dr. Pierce Butler, under the title, "History of Reconstruction in Louisiana (Through 1868)", in *Johns Hopkins University Studies in Historical and Political Science*, Series XXVIII, No. 1.[1]

One of the types of source material which Professor Ficklen sought to collect as a basis for his projected work was the first-hand information possessed by some of the leading participants in the stirring episodes of the Reconstruction era in Louisiana. One such account which he was so fortunate as to obtain was a long letter, addressed to Professor Ficklen by Mr. D. A. S. Vaught, a prominent participant in the events of the last decade of the Reconstruction movement in New Orleans, which recited in a very detailed fashion the author's recollections of the origin and activities of the "White League" in New Orleans. The contents of this letter were not utilized by Professor Ficklen in the published part of his manuscript, as the events narrated in the letter occurred after 1868, the date with which the published work

[1] Editorial Note by Pierce Butler, in John Rose Ficklen, *History of Reconstruction in Louisiana (Through 1868)*, vii-ix.

ends. There is no evidence that this letter was seen or used by Dr. Ella Lonn in her volume on *Reconstruction in Louisiana After 1868*,[2] nor by Mr. H. Oscar Lestage, Jr., when he was preparing his excellent thesis on "The White League in Louisiana and Its Participation in Reconstruction Riots".[3]

The letter of Mr. Vaught was discovered among a miscellaneous lot of materials recently purchased in New Orleans by the Hill Memorial Library of the Louisiana State University, and it is now in the Division of Archives of the University. The letter had apparently reposed undisturbed among the papers left by Professor Ficklen, which finally found their way, through the hands of a dealer in New Orleans, into the possession of their present owners.

Mr. Vaught's letter is dated May 8, 1894, and it deals with important events in which its author played a conspicuous part, but which transpired approximately a quarter-century prior to the date of the letter. The document under consideration consists of fourteen closely typed pages, written on letterheads of the firm of "Pinckard & Meyer, Commission Merchants, No. 49 Union Street, New Orleans." The typescript is single-spaced, with narrow margins, without paragraphing, with indifferent punctuation, and with numerous inaccuracies in spelling. The typing appears as that of an amateur operator, since the spacing is poor, letters are frequently omitted from words, words are run together without spacing, and there are other evidences of lack of skill with the typewriter. But the author apparently knew his subject, and he told his story in a simple, straightforward manner. He appears to have dashed off the letter in a hurry in response to a request from Professor Ficklen for an account of his part in Reconstruction activities in New Orleans.

Darrah Albert Shelby Vaught, the author of the letter, was born in Memphis, Tennessee, but he is said to have been a resident of New Orleans for fifty years prior to his death there on June 30, 1899, at the age of fifty-three.[4] He was thus too young to have entered the Confederate army for service during the Civil War, being only about fifteen years of age at the outbreak of the conflict in 1861.

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[2] G. P. Putnam's Sons, New York and London, 1918.
[3] Published in *Louisiana Historical Quarterly*, XVIII (1935), 617-695.
[4] Obituary notices in *Daily Picayune*, July 1, 2, 1899.

Mr. Vaught appears to have been a self-made man who rose gradually to a position of prominence in the commercial life of New Orleans. The first available information on his career is when he is listed as a clerk in a commercial firm at 50 Canal Street in 1869.[5] This was shortly after the organization of the "White League" in New Orleans, in which he came to occupy one of the more important positions. In 1874, the year in which he was a leading participant in the Battle of September 14th, he is listed as a clerk connected with the firm of Flash, Lewis & Co., grocers, 44 Gravier Street;[6] and he retained his connection with this firm until 1876.[7] In 1877 he is listed as a clerk connected with the firm of Meyer, Weis & Co., Commission Merchants, 188 Common Street;[8] and in 1878 he is still listed as a clerk, but without designation as to his connection with any particular firm.[9]

In 1879 and 1880 Mr. Vaught was the proprietor of the Columbia Warehouse, located at 87-91 South Peters Street.[10] In 1881 he became a member of the firm of May & Vaught, grocers and commission merchants, 44 Common Street,[11] and he remained a member of this firm for about a decade during which the business of the firm expanded and its location changed, as well as the personnel of the company.[12] By 1890 the senior partner, Albert H. May, had dropped out and the firm was composed of Albert H. May, Jr., D. A. S. Vaught, and Edward S. Maunsell, the firm being listed as dealers in sugar and molasses, and located at 10 Fulton and 7 Front.[13]

While it has not been determined just when Mr. Vaught left the firm in which he was a partner, it may be surmised that in 1894 he was connected in some capacity with the firm of Pinckard & Meyer, on whose stationery he wrote his letter to Professor Ficklen. In 1897 he is listed as a broker, without designation as to the type of merchandise in which he dealt or as to any connection with a particular firm;[14] and in 1898 he is listed as a cotton dealer, without reference to any business partnership.[15]

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[5] *Gardner's New Orleans Directory* (1869), 431.
[6] *Soards' New Orleans Directory* (1874), 317, 756.
[7] *Ibid.*, (1875), 682; (1876), 668.
[8] *Ibid.*, (1877), 635, 725.
[9] *Ibid.*, (1878), 675.
[10] *Ibid.*, (1879), 202, 656; (1880), 733.
[11] *Ibid.*, (1881), 515, 721.
[12] *Ibid.*, (1882), 494, 691; (1883), 522, 735; (1884), 541, 740; (1885), 540, 760; (1886), 564, 793; (1887), 597, 845; (1888), 583, 824.
[13] *Ibid.*, (1890), 625, 884.
[14] *Ibid.*, (1897), 869.
[15] *Ibid.*, (1898), 821.

In 1899, the year in which Mr. Vaught died, he is listed as a partner with Eugene J. Forstall in the firm of Vaught & Forstall, cotton brokers, located at 827 Gravier Street.[16]

This recital of Mr. Vaught's business career leads to the conclusion that he was a substantial citizen who had no reason to give a biased account of his part in the Reconstruction movement in New Orleans; and other contemporary sources prove that his memory was accurate as to the essential details of the events which he narrates, and in which he was an active participant.

In preparing the letter for publication, the editor has taken the liberty to correct obviously misspelled words, to make some logical division of the material into paragraphs, etc.; but he has not changed the wording of the manuscript nor taken any other liberties with the author's account. The letter is presented to the readers of the *Quarterly* as an interesting and valuable new item of source material on the Reconstruction regime in New Orleans and Louisiana.

Text of the Letter

New Orleans May 8th. 1894

My Dear Mr. Ficklen:

To attempt to give anything like an accurate account of the early days of the so-called "White League" of New Orleans, I find very difficult at this late date; it now being twenty odd years since its formation, and having no authentic data at hand, I must trust to my memory entirely. The original organization out of which the "White League" grew, was organized in the summer of 1868, during the Seymour and Blair canvass, and was called "The Crescent City Democratic Club" and was composed almost exclusively of young gentlemen living in the Fourth Municipal District, commonly called "up town". Of this organization Fred N. Ogden was president; W. J. Behan, W. T. Vaudry, R. B. Pleasants, S. B. Newman Jr., John N. Payne, Morgan Harrod, and others whose names I cannot now recall, were prominent in the organization, and all of them afterwards became officers when the organization was transformed into a quasi-military body, which took place in the early autumn of 1868, which

[16] *Ibid.*, (1899), 829.

change being made because of the inefficient character of the police, and the growing insolence of the negro population, many clubs having been formed by them, and in their parades on the streets many acts of violence were committed by them.

The Crescent City Democratic Club built a clubroom at the northeast corner of Jackson and Prytania streets, and numbered about three hundred men, among whom were nearly all of the young men of the most prominent families living above Felicity Street. The Seymour Legion was a similar organization of young men living principally in the First Municipal District; and when the police utterly failed in October, 1868, and the outrages by the negroes led by the carpet-bag element of those days grew unbearable, the Crescent City Democratic Club assumed charge of the City from Thalia Street to Napoleon Avenue, some detachments having been sent as far as Carrollton. This was the first military duty performed by the organization.

The Seymour Legion performed the same kind of service in that part of the City from Thalia Street to Canal Street, and other campaign clubs below Canal Street undertook to protect that part of the City. But there was not at that time any general organization, each club patrolling its own territory; but there was an agreement among the commanding officers of the various organizations to unite their forces in case of need, by signal arranged, on receipt of which the various clubs were to rendezvous at Lafayette Square. Heavy patrolling parties were thrown out at night and many alarms were had, but for the exception of a few outbreaks by negro clubs on the streets, which were promptly suppressed, no severe fighting occurred; and when the campaign was closed the club disbanded, but the men having been so welded together by the dangers of the preceding months that, although no regular organization was maintained, they were ready at any time to respond to the call of the officers for any service.

During the campaign just passed the club had never carried any long arms, the men when on duty only carrying pistols and generally a stout walking-stick. The uniform of the club was a white kepi with red band bearing in gilt letters the name of the club; a white cape or short mantle bound with red, a black sack coat, and white duck trousers. The club carried a white banner with a device of a gilt crescent emerging from bank of cloud, and the legend above in gilt letters, "Through trials to triumph".

After the dissolution of the club in the early winter of 1868 (December), they were not called together again until the summer of 1872, during the Presidential campaign when Mr. Greeley was nominated for the presidency by the combination made by the Democrats and the moderate Republicans. This hybrid combination aroused little interest and no enthusiasm in the South. Local affairs being quiet in New Orleans the club was merely called together for the purpose of organization and took no active part in the campaign. W. T. Vaudry was made president and all the old officers generally, and many of the men, became honorary members, for the purpose of keeping the organization alive because, although matters were then quiet, there was beginning to be felt an undertone of uneasiness in regard to the intentions of the carpet-bag element, as they were becoming bolder in their depredations through legislative enactments, robbing the state of millions of dollars and saddling iniquitous bonded obligations on her which they funded in a general loan in order to hide the original rascalities for which various issues of bonds were made. This feeling of alarm among our people was growing stronger all during the winter and spring of 1873 and was accentuated by the passage by the so-called legislature, composed of negroes and carpet-baggers, of a bill authorizing the formation of a brigade of Metropolitan Police, of which the Governor, Kellogg, had absolute control.

The city police was dismissed as a separate body and the Metropolitan brigade took possession of the city; and under the law passed by the Legislature the Governor could send these troops to any part of the state for service under officers appointed by him. This brigade was armed and equipped as a military body, the infantry division being provided with Winchester rifles and bayonets, and there was a full battery of artillery consisting of two twelve-pound Napoleons, two six-pounders, and two Gatling guns. There was also a squadron of cavalry, and when this brigade, with field officers mounted on gaily caparisoned barbs, loaded with gold lace and brass buttons, with a military band of music, and colors flying, it was a sight that made men's blood boil. This brigade was composed of the scum of the earth and was officered by outcasts of all nationalities. To transport this body of armed miscreants to such parts of the state as it might be deemed prudent to dragoon, one or two boats were arranged as gunboats and transports.

A further force of troops was raised consisting, to the best of my recollection of two regiments—one of negroes commanded by one General Barber, himself a negro of immense size and of truly ludicrous appearance as he sat fearfully on horseback on parades, keeping a sharp lookout for sudden contributions of eggs of remote vintage and felines, all of whose nine lives had sometime since departed. I do not recall the name of the fellow who commanded the white regiment which they called "The First Regiment Louisiana Infantry". This regiment had a large stock of very fine letter paper, with a gorgeous lithographed heading, all of which fell in my possession when the state-house was taken in 1877 (April), and I distributed it among the various companies of *our* First Louisiana Infantry, commonly called the "White League".

All these outrageous performances during the spring and summer of 1873 enraged the people very deeply and some of our people, politicians and some others of substance and prominence, evolved a quixotic scheme they called "unification", thinking by bringing about a fusion of the better element of the Republican with the Democratic party and by a proportional division of offices to appease everybody and effect a cessation of the dangers which were threatening. I cannot exactly fix the date when it was, either from memory or from any obtainable data, but I think it was early in the autumn of 1873, that Fred Ogden called a meeting of a few of the old officers and men of the practically defunct C.D.C., and in his usual positive manner denounced the proposed unification movement as dangerous in the extreme—as the scheme of a few well-meaning dreamers on our side and a large number of unprincipled politicians on the other side, who were ready to sacrifice anything in the hope of office. Ogden proposed that the old members be called to a meeting for the purpose of forming an organization in opposition to the unification folly, and almost to a man they responded and all of our people who had been deceived by the unification trick, except General Longstreet, saw the error of their ways and returned to the fold of pure Democracy. Of such were General Beauregard and Judge Chas. E. Fenner. General Longstreet, bull-headed soldier that he was, having gone into the unification movement with great enthusiasm, honestly thinking, with his limited intellect, that it was for the best, did not see how to

turn back, and soon finding himself entirely deserted by respectable followers, he kept on, finally landing in the camp of the enemy.

Had the unification scheme prevailed, this state would be today under the domination of a mixed party, the Negro and carpetbag element, protected by the treaty sought to be made with the Democrats. Fred Ogden was the first man of prominence to raise his voice against this proposed Covenant with Hell, and those who remember him can readily picture in their minds his violent, explosive and convincing eloquence. He called a meeting at Eagle Hall on the corner of Prytania and Felicity streets, and not having actually organized, although they were the recognized heirs of the Crescent City Democratic Club, they were put in possession of what property there was of that organization, as the new club was composed almost entirely of members of the old club. With property thus inherited was the white banner previously described. A regular organization was now formed, and in vehement protest against political miscegenation it was called the "White League", and this was the first "White League" in Louisiana.

At the first there was no intention of forming a regular military organization, and to avoid that semblance the companies were called sections and their commanders marshals. No arms were provided, but the character of the men who joined the organization was such that it was plainly evident that they would defend the principles they expressed, and as they continued to be brought together their determination solidified under the guidance of Fred Ogden. The unification farce was soon played, and the curtain dropped on it with a thud. Instantly the mongrel crew with Kellogg at their head threw off the mask and, with no further pretence at pacification, began to organize more negro clubs and put in charge of them the most violent adventurers they could find. They began to harass the citizens in every way possible. People were imprisoned, property was seized, and every indignity and outrage conceivable was heaped upon the people for the purpose of causing an outbreak, hoping in the confusion that would follow to reap a harvest of booty.

The White League exercised the greatest care to avoid a disturbance, but went steadily on preparing for the inevitable. The organization was transformed into a regular military body,

officers were elected,—no longer called marshals, presidents, etc., but a regiment was formed. Ogden had been president of the "White League" and became Colonel of the First Regiment of Louisiana Infantry—and companies were called A, B, C, D and etc., and their officers were captains and lieutenants. We had no arms but revolvers, and we began to cast about for muskets or rifles. Money was collected, and a good many old Belgian rifles were bought—many at as cheap a price as two dollars each, and were cleaned up and made ready. Company E, under Captain R. B. Pleasants, collected money enough to equip themselves with Remington rifles, but that was the only company having breech-loaders. Many individuals in the ranks furnished their own rifles and ammunition, but they were scattering. Drill was constantly going on, though with no uniforms or accoutrements, and great irregularity of arms, they do not seem to have impressed the carpet-baggers with much terror; and many jibes were indulged in by the newspaper then published under the patronage of the carpet-bag government, called *The Republican.*

Meanwhile Col. Ogden was preparing quietly for an emergency. He was operating so far entirely alone. Our regiment rapidly filled up, and more arms were wanted. Money was sent to New York and a large lot of Belgian rifles was bought. Some were brought here by the Jackson R. R., and stored in Leeds Foundry, on the corner of Delord and Front streets, unknown to the Republicans. Another lot was shipped from New York on the Steamship Mississippi, for this port, but the Republicans found this out before the ship left New York, and now seeing that our people were in earnest they began to take violent and outrageous measures. Houses were searched for arms, boys going hunting were robbed of their fowling pieces on the streets. The negro clubs were again incited to insolence and violence. Street cars in the suburbs were fired on and men killed in them, and despite all these outrages I say of my own knowledge that not one drop of negro blood was shed by the White League or any of its members, from the formation of the organization until the dissolution of its successor, the First Regiment La. Inftry; except in the case of such negroes as were in the Metropolitan Brigade in the fight on the fourteenth of Sept. 1874, and fell under our fire that day. I say this to dispose of the malicious stories told throughout the North of the murderous brutality of the White League to the negroes.

The name of White League was assumed as a protest against the unification humbug, and when that fraud died of inanition shortly after its birth the name of White League entirely lost its significance and the organization became a military body to defend our people from the depredations of the Republicans.

This brings us now to Sunday, Sept. 13, 1874. That night the arms stored at Leeds Foundry were distributed to the men; with the arms already on hand this gave the regiment 224 armed men. The Steamship Mississippi arrived from New York and was moored to the wharf at the river side in front of Jackson Square, directly opposite the headquarters of the Metropolitan Black and Tan Brigade, they having taken possession of the old arsenal on St. Peter Street and the Supreme Court building. They knew the arms for our troops were on the ship but they feared to seize the vessel, so they determined to prevent our people from getting them. Ogden knowing this ordered the regiment to assemble at Headquarters on the morning of Monday, Sept. 14, 1874, at 8 o'clock, determining to go to the ship and get the arms which we bought and paid for.

During the summer just preceding several military organizations had been formed: Angell's Regiment, the Stonewall Battalion, the La. Field Art., Washington White League, Roman Rifles, Protector White League, St. John White League, and other detachments whose names I cannot now recall; all splendid material, and though indifferently armed were well officered and did excellent service in the events that followed. Up to this time, Monday morning, the only command which had combined with the White League was the Art'y under Capt. Glynn, an understanding having been arranged a few days previously, and on Monday Capt. Glynn reported to Col. Ogden with his command. He had an iron gun which had formerly been a ship's carronade, which he bought from a junk shop and had mounted on the body of a dray at Leeds Foundry.

The fury of the citizens was now roused to the highest pitch. A mass meeting was assembled at Clay's statue and impassioned addresses were made by the immortal Bruns; that marvel of nervous energy, Brickell; and sturdy Cornelius Beard; and after passing resolutions demanding the abdication of the usurping Kellogg the meeting was dismissed and the people were told to go to their homes, arm themselves with what weapons they could

provide, and return prepared for action. Ogden had held his regiment in quarters all day perfecting arrangements for coöperation with the other bodies of troops, and as soon as he learned the action of the mass meeting he began his march down Prytania Street, intending to march to the Steamship Mississippi and get the arms belonging to us. General Longstreet had begun his advance, massed his force in front of the arsenal extending his line towards the river in such position as to intercept Gen. Ogden. Longstreet had about 600 infantry, 4 pieces of Art., and a troop of mounted men—a total force, thoroughly armed and equipped, of about 800 men.

When Ogden arrived at Poydras Street, learning that the Metropolitans had advanced up the levee towards Canal Street, deployed to the right, the extreme right, Company E resting on the river front and the extreme left posted at Magazine Street, the line of battle being formed on Poydras Street. At this juncture other companies and commands began to come forward to Ogden's support. Angell's Reg't was assigned to a supporting position on Camp and St. Charles streets, and the Washington, Protector, and St. John White League, Roman Rifles and the Stonewall Battalion were placed on the outskirts to cover the flanks. Glynn's Artillery was posted near the center of Ogden's line on the levee. Lieutenant-Governor D. B. Penn, acting in the absence of Governor John McEnery, now arrived on the scene, and he appointed Ogden commander of all the forces, and headquarters were established on Camp Street, just above Poydras. Gen'l Ogden appointed Cap't Glynn to command the artillery, and W. J. Behan was made Brigadier Gen'l; W. T. Vaudry was made Colonel of the First Regiment of Louisiana Infantry (White League).

At ten minutes before four o'clock P. M. the Metropolitan Brigade was seen advancing up Front Street, on the east side of the Customhouse. At the request of Col. Vaudry, on whose staff I had just been appointed, I took a squad of men and advanced to the corner of Gravier and South Peters streets, to ascertain the movements of the enemy. I reached the shelter of the building at that corner without being observed by the enemy, just in time to see them debouch by company right wheel into Canal Street. I counted the lines, and the Artillery, and mounted force as they deployed, and having orders not to fire, nor to provoke

fire, I moved my squad eastward down Gravier to Fulton, and as I reached that corner Gen. Longstreet and Gen. Badger, with a party of mounted men, in all eight men, came into full view, riding towards our line, and passed within twenty yards of my party. It was with the greatest difficulty that I prevented the men from firing, particularly on Longstreet, but my orders were positive, and as soon as the party saw us they rode hurriedly back to their line, which was now drawn up on Canal Street, their left resting on the Louisville & Nashville railroad office, their center behind and protected by the iron building which then stood where our monument now is, their right running down towards the Customhouse. I started at a double quick for our line to report to Col. Vaudry, but before we had advanced to the doorways of the iron works on the levee between Poydras and Gravier the Metropolitan line opened, with both artillery and infantry. Our line immediately replied, but as few of our troops had arms of long range but few Metropolitans were hit. Our line looked a little ragged for a moment, and as I realized the vastly inferior number we had in action, and the poor arms of our men, I felt doubtful, but after three irregular volleys by our men, before the orders were well shouted by the officers, our men charged as with one instinct, delivering their fire as they advanced. As they got closer the shot-guns and hard-kicking Belgians began to tell upon the Metropolitan line. Glynn's gun failed to answer to the friction primer and with a yell of rage his men rushed forward with Vaudry's line. As our men had not had any drill in evolutions, the charge was almost ludicrous; each man seemed bent on getting at the enemy *first*. The fire of the Metropolitans was delivered rapidly but the aim was wild; their artillery did no execution. The gunner of the Gatling piece forgot in his excitement to depress the gun and but one of our men was hit by a Gatling projectile. Richard Lindsey of E. Company—a very tall man—climbed up on some freight on the levee, and standing at full height on this elevation in order to get a good shot at the enemy was struck in the head and was instantly killed by one of the Gatling balls.

Never having heard Gatling projectiles before the old soldiers among our troops were much impressed by the whir of the balls as they passed over us. Their sound is entirely different from the sound of a Minie bullet or a cannon ball, and coming

close together they sounded very much like the flight of a covey of partridges. I believe that this was the first time that a Gatling gun was used in action on this continent.

The fire of our men in their rapid advance was naturally very irregular but was singularly well delivered as regards aim, as shown by the extraordinary disproportion in losses. Our forces in the charge but were 224 men of the infantry, and Capt. Glynn's artillery about forty, yet the loss on the Metropolitan side was 102 killed and wounded, our loss being thirty-nine killed and wounded. When our charging troops reached the plank walk which at that time projected across the levee from the foot of Common Street, they went over it with a rush and as they passed over it the Metropolitan line broke and the men fled in all directions, a few parties rallying about the corners and some of the depot buildings but they were quickly driven off, many being killed in this close-hand fighting in which they were no match for our men. The gunner of the Gatling piece deserted his gun; he was the last man at the piece when our line went over the plank walk referred to, but after retreating a few steps he seemed to take fresh courage and started back to the gun. Poor chap, he barely reached the trail of the piece before he was pierced by a half-dozen bullets and he fell dead.

We took all the artillery but one piece which escaped down the levee to the Metropolitan headquarters on St. Peter Street, whither a large part of their men fled, though many took refuge in the Customhouse, from which a dropping fire was kept up on our men who had occupied the field of battle, and several of our men fell under this cowardly fire which we could not return as we did not wish to violate United States property. As the Metropolitans fled down Customhouse Street they were attacked by our men posted on that flank and a sharp fight was maintained for a few minutes, ending in the total rout and wild flight of the remnant of the Metropolitans after severe loss on their side. The companies engaged in this flank attack also lost several men killed and wounded. With this the fight ended.

Next morning our troops took possession of the State House, Arsenal and all other State and City buildings, Kellogg and his chief supporters seeking protection of the United States officials at the Customhouse. By nightfall we were in quiet possession of the City and the news was known all over the State, and in fact

all over the country. Galveston and Mobile telegraphed us offers of assistance; also offers of men came from the towns and parishes of our own State, but all offers were gratefully declined as we now had ample forces, and arms which we had captured from the Metropolitans. Throughout the State the carpet-baggers were expelled from the offices they had usurped, and for a few days we breathed the air of freedom, and happiness everywhere prevailed; but on Thursday came the premonitory symptoms of President Grant's determination to reinstate Kellogg's fraudulent government, and soon the streets of New Orleans swarmed with United States troops and more ships of war were anchored in the river in front of the City than any administration had ever sent to any foreign country, to protect respectable Americans in pursuit of their legitimate interests. Twenty-two men-of-war and two brigades of infantry, a regiment of cavalry, and several batteries of artillery were sent to protect as villainous a lot of thieving rascals as was ever gathered together. The thrashing these rascals got taught them a lesson that they kept well in mind, and while they remained in power until April, 1877, protected by the United States troops, they forebore to irritate the citizens and confined their ravages to peculations in office.

After the battle of Sept. 14, 1874, our military force was reorganized; the infantry was brigaded, the artillery was formed into regular batteries, all under command of Maj. Gen. Ogden. Our organizations were kept quiet but the knowledge of their existence restored confidence, and when the election was held for Gov. and State officers in 1876 our men policed every poll in New Orleans and the Democratic party carried the State and City by an overwhelming majority.

Then followed the long state of siege—the disputed election of Tilden and the desperate attempt to steal the State of Louisiana by the Republicans as they had stolen the presidency. Nicholls had been elected Gov. over Packard, a carpet-bagger, and he was inaugurated in Odd Fellows Hall on the first Monday in January, 1877—a wet, cold, miserable day. Our troops were disposed in the neighborhood to be at hand in the case of need, one company being concealed in a marble yard just above Odd Fellows Hall on Camp Street, and behind each tombstone, of which there was a large collection in the yard, lay, not a dead man but a live, wet and hungry White Leaguer, praying for orders to come that they might be relieved from the wet and

monotony, and whiling away the weary hours in selecting epitaphs from the hundreds already engraved on the tombstones.

Now came the delicate question of forcibly taking possession of the Supreme Court and adjacent Arsenal, which had been restored to the carpet-baggers by the United States troops in Sept., 1874. These buildings had been strengthened with barricades and were heavily garrisoned with Infantry and Artillery. They did not dare meet us again in the field. Packard was under the protection of the United States troops and he was loading the telegraph wires with continual appeals to Washington to have the Federal troops to drive us away. Of course our policy was to avoid any conflict with the United States troops, and had we not known that their sympathy was with us it would have been difficult to restrain the impatience of Ogden and his men. Ogden's headquarters were established at ♯18 Union Street in the building now occupied by the Southern Express Co., and there the officers reported hourly, expecting orders.

On the night of the eighth of January, 1877, I was on duty at these headquarters with Col. Vaudry, and at midnight it was proposed to go to the Gov. Headquarters where Gen. Ogden had some time preceded to learn if any orders were likely to be received that night. The party, consisting of Col. Vaudry, Lt. Col. Huger, and several staff officers, were invited into a circular room on the first floor where Gen. Ogden's staff officers were standing with very serious faces. In a few minutes a small door at the right opened and Ogden's voice was heard, saying "I do not care what the consequences may be, I am going to take the court buildings tomorrow if I have to carry them by storm, and whoever stands in the way must do so at his peril." In a few minutes Gen. Ogden came out and in a voice that all could hear addressed his adjutant, directing him to order all the troops to assemble at Lafayette Square at eight o'clock next morning prepared for active service.

By orders of Col. Vaudry I at once reported to Ogden's Adj. and accepted verbally the orders for our regiment, and in less than one minute Col. Vaudry and our party were en route for headquarters as fast as we could move, leaving Col. Huger, whose lameness prevented him from moving rapidly, to follow with written official orders. When we reached headquarters it was two o'clock A. M., and immediately the orders were dispatched to the ten captains of the regiment, and as we had a most effi-

cient corps of couriers these orders were delivered to the captains in person within an hour; and at six o'clock next morning, two hours before the appointed hour for moving, the first regiment was in line in Lafayette Square 982 strong—not a man missing except those sick or absent from the city on leave. It was a freezing morning, but it was bright and beautiful and the spirits of the men were high. They had long chafed at the restraint they were under, and they longed for a chance at the rascals, and many of the men who had not been in the fight in 1874 were anxious to receive their baptism in fire.

At eight o'clock the troops got under arms and the line was put in motion, marching down Camp Street, filing into Canal and crossing that street at N. Peters, marching directly by the Customhouse which was filled by the United States troops, who gave us rousing cheers as we marched by. These cheers were very agreeable music to us, assuring us of their neutrality in the coming conflict. Arriving at Jackson Square, we found the Court buildings strongly barricaded and heavily garrisoned. We had now two pieces of artillery which we posted at the corner of St. Peter and the Levee, training them on the Court buildings. We occupied the Pontalba buildings on St. Peter Street with a picked party of riflemen to act as sharpshooters, and throwing forward E Company into the Square as skirmishers we summoned the post to surrender. The lanyards of the Artillery were lighted and a quiet of determination fell upon the line, as we expected desperate resistance. D Company, not having been in action on the 14 of Sept., 1874, demanded the right to form the "forlorn hope", under command of their sturdy old patriot, Capt. Archibald Mitchell. Many of the men of this company were armed only with heavy sledge-hammers, with which they proposed to break down the barricades. They knew well how to handle these formidable weapons, as they were nearly all employees of Leeds Foundry. Their anxiety of assault was so great that even pending the parley following our summons to surrender, it was with difficulty that their officers held them back; and when in a few minutes the Metropolitans surrendered the disappointment of these men was amusing.

Without firing a shot, where we had expected a determined and prolonged resistance, the Court building and Arsenal were surrendered to us, together with all their arms, artillery and accoutrements, and we immediately occupied the position. Then

came the long, weary months of tiresome watching and anxiety. We maintained a heavy guard in these buildings. The Metropolitans now held only one position, the St. Louis Hotel or State House. This position we kept constantly under surveillance, and finally in the latter part of April, it becoming evident that the U. S. Government would no longer support the carpet-bag usurpation, we prepared to drive them from this last stronghold. I cannot recall the exact date, but it was about the 23rd or 24th of April, 1877, notices reached headquarters from the pickets that something was going on unusual in the State House, that men were seen sliding down the iron posts supporting the galleries during the night, and surmising the garrison was deserting, H Company under Capt. Selleck, which had been on guard all night at the Supreme Court buildings, was hurried to the Royal Street entrance. Capt. J. O. Nixon Jr., of Gen. Behan's staff, and I representing Col. Vaudry, arriving at the same time, we immediately forced the door, demanding immediate surrender of the building, which was promptly accorded under the convincing argument of cocked pistols and fixed bayonets. Entering the main building we found but a handful of the garrison remaining, under the command of a capt., the rest of the garrison having deserted during the night.

It being rumored that the buildings were prepared with combustibles for firing, we made a hurried examination and found these reports unfounded. Capt. James, aide-de-camp to Gen. Behan, having arrived and being mounted he was at once dispatched to headquarters to announce the surrender; and at eleven o'clock the Gov. and the Legislature entered the building, and the military, leaving a small guard, withdrew; and this ended the military services of the White League. The State now being in complete possession of our people, our troops were everywhere withdrawn, being replaced by the civil authorities.

On the twenty-eighth of April Gen. Ogden issued his famous address to the troops, of which document I have been fortunate enough to secure a copy. It is as follows:

Headquarters Louisiana State Militia,
New Orleans, April 28th. 1877.

General Orders #15

The Major General commanding takes pride in acknowledging to the citizen soldiers of Louisiana his cordial ap-

proval of their conduct during the trying events of the last four months. On the 9th. January at the summons of your lawful governor you placed the executive of the people's choice in possession of the public offices of the state without firing a shot. Such a triumph bloodlessly won should be doubly dear to every true American citizen. Under your voluntary and unrecompensed guardianship maintained by night and by day at the sacrifice of every private interest the peace of this great city through months of anarchy has been perfectly preserved, nor has any man, however justly odious, suffered in body or estate for his political opinions. You have given enduring proof that a well ordered militia is the best security of free states and justified the wisdom of our fathers in securing to the people forever the constitutional right to keep and to bear arms. Your steadfast loyalty and uncompromising firmness, your courage, constancy and discipline have been a bulwark against the encroachments of tyranny and impregnable safeguard to the whole community. You will carry to your homes and bear with you through life the grateful remembrance of a ransomed State and a consciousness of having exhibited in a rare degree those civic virtues upon which alone the hopes of Republican institutions rest.

In the name of all of the people of the State of Louisiana the Maj. Gen. commanding returns you his heartfelt thanks.

(Signed) Fred N. Ogden Maj. Gen.

Only once more was the White League ever assembled under arms. This last occasion was on the 14 Sept., 1877, when in deference to the great popular demand to see the men who had served so long and had accomplished so much, it was determined to have a parade of the veterans before the command scattered; and in obedience to this public wish the following, the last official order which ever assembled the famous command under arms, was issued:

Headquarters, White League Div.
New Orleans, Sept. 13th. 1877.

Special Order ♯3

1. This division comprising the commands not in uniform is assigned to position in the center of the parade on the 14th. inst. and will form on the south side of Canal Street with right resting on Camp Street, at 2:30 P. M. sharp.

2. Officers of the division are urged to have their commands in line punctually at the appointed hour as the column will move promptly at the time fixed upon.

3. The division staff will assemble promptly at 2:30 P. M. at the designated rendezvous.

By order of
W. T. Vaudry
Col. commanding.

D. A. S. Vaught
Actg Asst. Adjutant Genl.

After this parade, the regular militia having been formed, the White League disbanded and ceased to be a military organization. The survivors have only once since been called together, and that was on the occasion of the laying of the cornerstone of the monument at the head of Canal Street, Sept. 14, 1891. This monument was erected in honor of those who fell in the fight on the 14th of Sept., 1874, and was completed and dedicated Nov. 1st, 1891. This finishes the story of the original White League.

You will observe that I have confined my reminiscences to the first regiment, as I have only recited those facts of which I had personal knowledge. The various other commands that served through those trying times are entitled to equal credit, but as my service was confined entirely to the first regiment I am not able to tell of the work of the other commands with accuracy, at this distant date. As I said at the outset, I have been compelled to entirely rely on my memory. I have consulted some of the old officers of the regiment but have been unable to find anybody who kept any records or documents. Of course in all these busy years many things have passed out of my recollection, but of those things that I have recorded I am absolutely certain. Many bits of uncertain or not perfectly clear recollection I have omitted, preferring not to include anything I was not perfectly sure of. I have also purposely abstained from making personal references except in the case of our matchless leader, because where all served so creditably it would be invidious to make any distinctions. All served with conspicuous gallantry and devotion. My object is to "deliver a round unvarnished tale". I have made no effort to give it any literary polish or to construct rounded periods, my wish being to furnish you with the crude materials from which you can select such as you may find useful for your purposes, and with a hope that at least some of it may be of service to you, I remain,

Ever Yours faithfully,
(Signed) D. A. S. Vaught.

A HISTORY OF RICE PRODUCTION IN LOUISIANA TO 1896*

By Mildred Kelly Ginn

Chapter I

Beginning of Rice Culture in America

The cultivation of rice is older than history. A Hindoo legend declares that it was the greatest blessing "Lord Guatama"[1] bestowed on his people. A Burmese account of the creation includes rice among the gifts of God.[2] Chinese records show that the sowing of rice was an annual religious ceremonial over 5,000 years ago. Chinese classics describe a system of drainage and irrigation constructed by Emperor Yu about 2356 B. C.[3]

The rice plant is probably of Indian origin; in fact, a great deal of wild rice is still grown in the waste marshes on the Madras coast. Though there is no mention of rice in the Bible, it is possible that it comprised a part of the stores laid up by Joseph during the seven years of plenty when he "Gathered corn as the sands of the sea". The grain was known in the Near East in the era of Alexander the Great. In the eleventh century it was carried to Spain by the Moors,[4] and in the fifteenth it was first cultivated in the Italian peninsula, near Pisa.[5] It is not known when the rice plant was introduced into England, but Shakespeare alludes to it in "Winters Tale" as a great luxury.

The date when rice was first grown in the United States is also uncertain. One account says that "rice was first planted in the country on the James River, Virginia, in 1646 A. D."[6]

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* Master's thesis in History, Louisiana State University, 1930.

[1] *Rice Journal and Southern Planter*, (June, 1913), 6. The legend ran as follows: "Then the Lord Guatama debated long within himself as to what good thing he should give man that would be greatest of all blessings; for he desired to bestow upon his creatures one thing that would comfort them throughout the ages. So the Lord Guatama bestowed rice upon Man, and the grain flourished and filled the land, and there was no more hunger in all the country and the people rejoiced."

[2] *Louisiana Planter and Sugar Manufacturer*, VII, 110, (September 12, 1891). The account ran: "Thus God created man. God made food and drink, rice, fire and water, cattle, elephants and birds."

[3] *Ibid.*, VII, 111, (September 12, 1891).

[4] *Ibid.*

[5] *Encyclopaedia Britannica*, XXIII, 291.

[6] *The Rice Journal*, XXVIII, 16, (April, 1925).

Several writers give William Berkeley credit for first attempting to raise rice in Virginia in 1647.[7] All agree that his experiment was considered a failure because cultivation did not become common in Virginia though he harvested sixteen bushels from a half bushel of seed sent from England. Some have credited this lack of interest in rice culture to the high altitude which many thought was unsuitable for extensive cultivation. At that time it was believed that rice could not be successfully grown any place in North America. But some fifty years later rice seeds were planted in South Carolina and grew abundantly.

A South Carolina historian gives the following account:

> Landgrave Thomas Smith, who was Governor of the Province in 1693, had been at Madagascar before he settled in (Charleston) Carolina. There he observed that rice was planted and grew in low and moist ground. Having such ground at the western extremity of his garden, attached to his dwelling house in East Bay Street, he was persuaded that rice would grow therein if seed could be obtained. About this time a vessel from Madagascar, being in distress came to anchor near Sullivan's Island. The master of the vessel inquired for Mr. Smith as an old acquaintance. An interview took place. In the course of the conversation Mr. Smith expressed a wish to obtain some seed rice to plant in his garden by way of an experiment. The cook being called said he had a small bag of rice suitable for that purpose. This was presented to Mr. Smith, who sowed it in a low spot in his garden, which now forms a part of Longitude Lane. It grew luxuriantly. The little crop was distributed among his planter friends. From this small beginning the first staple took its rise. It soon after became the chief support of the colony.[8]

The Americana thus explains the introduction of rice seed into Carolina:

> In 1694, when a vessel bound for Liverpool from Madagascar was blown so far out of her course that having been somewhat injured by the storm, it was decided to put into Charleston for repair. Among those who boarded the ship was Landgrave Thomas Smith and at his request a small package of rough rice was given him for seed. Although little faith was expressed in the success of the experiment by Smith he planted it in proper soil in lower Carolina and his enterprise was awarded by a growth of a crop that was almost sufficient to meet the needs of the entire colony.[9]

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[7] *The Americana*, XXIII, 486-487.
[8] Freeman Hunt, *The Merchants' Magazine and Commercial Review*, IX (1843), 86.
[9] *The Americana*, XXIII, 486, 487.

Rice of commercial importance was first grown on the islands and adjacent mainlands of the Carolinas which could be easily flooded yet were close enough to the sea that it might be sent to market. Cultivation spread so rapidly that in 1698 sixty tons of paddy rice were shipped to England, and a decade later sixteen ships loaded with rice sailed from Carolina.[10]

In 1749 Governor Glen of South Carolina reported to the English government that the soil of his colony was well suited to the cultivation of rice.[11] At this time it was drilled in trenches with hand hoes. The planters found that slaves were more immune to malaria fever than whites so they were used almost entirely, although on the marshy coast of South Carolina and Georgia ideal rice land was unhealthful even for the black. The "gang" system, later widely used by cotton planters, did not prove practical in the rice fields since the work was so tedious. Hence the "task" system was devised, and after each slave had completed his stint he was through for the balance of the day.[12] Each slave had a half acre of field work to perform daily. In addition a male slave hulled about six pecks and a female slave about four.

The economc importance of rice in the early colonial period is shown by the fact that it was used as a medium of exchange. "At one time 'rice bills' were issued in North Carolina redeemable by a tax payable in rice at the rate of thirty shillings ($7.19) for each one hundred pounds. It was made full legal tender, or, as it was called, a 'rated commodity', worth one pound five shillings ($5.97) 'per 100 pounds cleaned and fit for transportation.' It was receivable for all private debts and even for the payment of taxes."[13]

Rice was first put on the "enumerated list" in 1705. All rice that was exported had to pass through certain designated English ports and pay duty. In 1730 this was partially withdrawn and as a result the price rose and the acreage increased. In North Carolina for each one hundred pounds of cleaned rice prepared suitable for foreign market a bounty of five shillings and eight pence ($1.37) was offered. After the Revolution the American

[10] *The Rice Journal*, XXX, 10, (December, 1927).
[11] *Ibid.*
[12] *Ibid.*
[13] *Ibid.*, XXX, 11.

market [14] was protected from the cheaply produced rices of China by tariffs ranging from five to thirty per cent.[15]

Period ending	*Pounds produced in period*	*Average pounds per year*
1800	320,631,803	64,124,361
1805	240,044,600	48,008,920
1810	274,477,000	54,895,400
1815	274,876,800	54,973,560
1820	282,397,800	56,479,560
1825	383,447,000	66,689,400
1830	417,333,600	83,460,720
1835	457,282,200	91,456,440
1840	429,585,600	85,917,120
1845	481,669,200	96,333,840
1850	543,494,400	108,698,880

A fair return about the end of the seventeenth century was four and one-half barrels to each hand. Little profit was realized from rice at this early time since grain sold for from ten to twelve shillings ($2.43 to $2.91) per one hundred pounds, and the maintenance of a slave cost a little over four pounds per annum, or $19.16. The gross income accordingly would be about $20.00 for each slave. Thus it is clear that the net profit was then very small compared to the large returns of a later date.[16]

Regardless of the inefficient labor, crude machinery, and small profit, rice cultivation spread throughout North and South Carolina and Georgia. In the year 1712, less than twenty years since the fateful bag of rice was planted by Governor Smith, these three colonies exported 3,000,000 pounds. In the decade, 1720-1729, the total export was 264,755 barrels, and during the next ten years the amount almost doubled. By 1770 the average annual crop was 127,476 barrels.

The "Manigault" plantation in South Carolina was typical. It consisted of 320 acres, a fourth of which was uncultivated, a rice mill and fifty Negro slaves. The land was valued at $25,000 and the slaves at $15,000, a total of $40,000. During the five years from 1833 to 1838 a million and a half pounds of rice were produced. At three cents per pound the total yielded a revenue of $42,750, and a net profit of $30,570.[17]

By 1839 the cultivation of rice was rather widely distributed throughout the United States. But from the following table it will be seen that the Carolinas, Georgia and Louisiana were then the important rice producing states:[18]

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[14] *The Americana* records the following yields, for five-year periods ending on June 30th of the years listed below:

[15] *The Rice Journal*, XXX, 11, (December, 1927), gives these tariff rates as follows, at five-year intervals from 1800 to 1850: 1800, 5%; 1805, 7½%; 1810, 10%; 1815, 12½%; 1820, 15%; 1825, 30%; 1830, 15%; 1835, None; 1840, 15%; 1845, 20%; 1850, 15%.

[16] *The Rice Journal*, XXX, 11, (December, 1927).

[17] *Ibid.*

[18] *DeBow's Review*, I (1846), 324.

States	*Pounds*	*States*	*Pounds*
Missouri	65	Florida (Ty.)	495,625
Virginia	598	Mississippi	861,711
Illinois	3,084	North Carolina	3,324,132
Arkansas	5,787	Louisiana	3,765,541
Tennessee	8,455	Georgia	13,417,209
Kentucky	16,848	South Carolina	66,897,244
Alabama	156,469		

In the years from 1845 to 1860 the states of North and South Carolina and Georgia reached the peak in rice production. In that period South Carolina alone produced three-fourths of the total. But these states began to lag after the Civil War due to lack of capital and to a disorganized labor supply. Although these states continued to produce rice in increased amounts, newer areas in the west, particularly Louisiana, supplanted them in importance.[19]

Chapter II

Rice Cultivation in Early Louisiana

The position of Louisiana at the mouth of the Mississippi is in many respects comparable to the location of Egypt in the Nile valley. The state has received rich deposits from the vast expanse of territory reaching from the Alleghanies to the Rockies, hence her soil is unsurpassed in depth and richness.

The French were the earliest as well as the largest contributors in beginning fundamental institutions that have developed the resources of the state. It is thought that rice seed was first brought into Louisiana by the group of Frenchmen led by Bienville who founded the city of New Orleans in 1718. *The Rice Journal* says: "Rice culture was introduced into Louisiana as early as 1718 by some migrating planters;"[20] and the *Rice Journal and Southern Planter* agrees that "Rice culture in Louisiana dates back to 1718."[21]

The early Louisiana settlers were aware of the importance of rice as a staple crop. In 1723 a hurricane scattered seed which took root, and planters were surprised by a fair yield. In the same year it became an article of exchange, as tobacco was in Virginia,

[19] *The Americana*, XXIII, 486-487.
[20] *The Rice Journal*, XXX, 11, (December, 1927).
[21] *Rice Journal and Southern Planter*, (June, 1913), 6.

and its relative value was fixed by law in the purchase of slaves. A decade later Creole rice was valued at sixty cents per hundred weight.[22]

Bienville realized that the permanent prosperity of the colony must be founded on agriculture. Although many immigrants recoiled from the labor necessary to improve lands, he asserted that slaves would solve the problem. Indian prisoners proved inefficient and they were traded to the West Indies for Negroes. By 1736 almost half of the colony was made up of black slaves.[23] As a result of the sufficient labor supply more desirable settlers began to arrive and the staple crops of rice, cotton, sugar, tobacco and indigo were cultivated with success.

The production of rice did not equal the two leading staples, sugar and cotton, yet a large portion of Plaquemines parish and other parts of the territory were devoted to its cultivation. The culture of this crop was of special benefit to the middle and poorer classes, for it required little capital and it was very healthful food in damp Southern latitudes. Further, it was unnecessary to reduce its culture to a science, as in other countries, because of rich soil and suitable climate.

Many historians and agriculturists who wrote of the development of rice culture in the eighteenth and early nineteenth centuries compared the advantages of Louisiana with areas of the older South, especially South Carolina. The expensive and laborious process used on the Atlantic seaboard stood in sharp contrast to the inexpensive and simple methods of cultivation employed in Louisiana. Carolina used tide water with little current. The water was sometimes left on the fields and at other times drawn off, "leaving great fields to the influence of a burning sun, creating malaria, and engendering the worst kind of disease, insomuch that the planters yearly left the country for the cities, where smoke and fires or some other causes, seem to dispel the evil."[24] In Louisiana the fall of the land is abrupt at the bayous and lakes, but since the sea is close the water is kept constantly running which prevented the back water from ever becoming stagnant. The rapid flow of water carries to the sea all decomposing matter which would cause malaria. Within Louisiana rice farms

[22] *DeBow's Review*, I (1846), 356-357.
[23] Thomas D. Rice and Lewis Griswold, *Soil Survey of the New Orleans Area, Louisiana*, 441.
[24] J. D. B. DeBow, *The Industrial Resources of the Southern and Western States* (New Orleans, 1853), II, 426-427.

were much healthier places to live than either sugar or cotton plantations. A certain Dr. Wilkinson of Plaquemines parish wrote: "The ratio of mortality is decidedly greater on sugar plantations than upon rice plantations situated in similar locations."[25]

The rice planter was usually a middle-class farmer. He was not wealthy and was almost entirely uneducated. Due to lack of means he did little to vary his crop or to install sufficient machinery to prepare the rice properly for market. At this time it was possible to harvest about ten or twelve barrels of rice daily. This speed was set at the beginning of rice cultivation in Louisiana and it was not improved upon for almost a century and a half.

Rice planting began in February by digging new ditches or cleaning out the old ones. A typical river front farm consisting of four acres would have one ditch four feet wide and four or five feet deep running from the river to the swamp. A dam or gate at the rear was placed at right angles with the ditch so that the flow could be controlled. Back of the field a four or five foot ditch ran parallel with the river and a high bank on the outside completely enclosed the field. A flood-gate opened behind to regulate the height of the water.[26]

By March the ditches were ready for use and plowing began. Oxen were commonly used to break the land. A unit usually consisted of six oxen, two drivers and a guide for the "French Sock Plow."[27] As an alternative the ground might be thoroughly chopped with a hoe, a process which mixed and leveled the soil. Then just before planting a second hoeing or "mash" was applied.

The planting date varied in different sections of Louisiana from the middle of March to the end of April. Some found early planting to be quite satisfactory while others attained more success by planting later in the season. The seed was either broadcast or sown in trenches. Many planters felt that rice yielded more to the acre when broadcast, and this method was much simpler.[28] Still a number used the other method, which was first to "open the drills", or, as termed on the plantation, "trenching". By the use of narrow hose,[29] trenches were cut about four inches wide, two inches deep, and thirteen inches apart. A planter fol-

[25] *DeBow's Review*, XVI, (1854), 535-539.
[26] DeBow, *op. cit.*, II, 426-427.
[27] *Ibid.*
[28] *Opelousas Courier*, November 25, 1854.
[29] DeBow, *op. cit.*, II, 426-427.

lowed and sowed the seed, using about two or three bushels of rice per acre. It was at once lightly covered with a hoe.

The planting crew was usually large enough to finish each field on the day that it was started. An outer gate in the trunk ditch was opened when the planting was completed, which allowed the next rise of the tide to fill the ditches and finally to cover the whole field.[30]

The first flow of water was called the "sprout flow"—the water was left on until the seed sprouted. This usually consumed a week but depended upon the warmth of the season. Then the water was drawn off and points or shoots appeared above the ground. The "point flow" followed and remained until the rice plants were three or four inches high. The water killed the grass and weeds and protected the plants until they were too large for the rice birds to destroy. The field was hoed as soon as the ground was sufficiently dry, and a second hoeing followed in about three weeks. The "long flow" then remained on for about a month. The exact time for draining was determined by the appearance of the rice. The field was again left dry and received a third and perhaps a fourth hoeing. The water was again let on for the "lay-by flow" and was left until time to harvest the crop.[31] At the same time hands waded through the fields and collected any aquatic grasses or "volunteer" rice.[32]

The harvesting began in September. The fields were dried and the rice was cut with sickles. One person could cut three or four rows at a time. The stalk was cut off about a foot above the ground to facilitate "curing". Within a day or so after cutting, it had dried and was bound in sheaves and carried to the stack yard where the sheaves were ricked.

When harvesting had been completed threshing began. This was done either by tossing the rice in the air or by fanning it. The husk was then removed by pounding the grains in a mortar with a lightwood pestle. There were machines to perform the threshing and husking, but few small farmers invested in such machinery before the latter part of the nineteenth century. About 1870 one or two small mills were established on the lower coast and operated under the old system of mortar and pestle pounding. In the early

[30] Frederick Law Olmsted, *A Journey in the Seaboard Slave States* (New York, 1850), II, 94-124.
[31] *Ibid.*
[32] "Volunteer" rice is that which comes up without planting.

seventies a mill just out of New Orleans was moved into the city. The industry developed to such an extent that three or four others were soon established.[33] The average crop yielded from thirty to sixty bushels per acre. A bushel of paddy—rice in the rough state—weighed from forty-one to forty-nine pounds. It was classified according to the size of the grain. The following classes and amounts were present in a thousand bushels of paddy: Best Head, 16,075 pounds; Best Prime, 596 pounds; Good to Fair, 9,190 pounds; Broken 3,243 pounds; Chits, or small, 570 pounds; Flour, or douse, 5,210 pounds.[34]

Rice was carried to the mills in sacks or barrels, which were emptied into the hopper. The husk was removed by a circular movement of cylindrical wings located in its center. The grain was carried from the hopper to the rough screen by an elevator. This removed straws and refuse. The smaller grains of the staple passed on unhusked to a machine called the stone. The rice went from there to two shakers, the name of which denoted their purpose. From there it was distributed among the pounders, twelve in number. The bran was carried to the bran box by an elevator, whence it passed down a cylinder and was sacked. After the clean rice was spread on the floor for cooling it was taken up and carried to the brushes and polished.[35] The grain was then classified by passing through two screens of different mesh. The process from the hopper to the barrel occupied twenty-four hours.

The method just described would have astonished rice planters in the period of the mortar and lightwood pestle. But after the Civil War rapid development in the industry was noticeable from year to year.

This discussion of the cultivation, irrigation, harvesting, threshing and milling of rice is a general one. Many of the planters modified one or more of the steps in the process to suit the needs of their own particular plantation. The weather also necessitated a change from the general routine, for early springs were warm and damp whereas others were cool and dry.

The cultivation of rice by the majority of planters in Louisiana up to the Civil War was for domestic use. Since a planter

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[33] *Louisiana Agriculture, Progress and Opportunities, Agricultural Situations in the Rice Section, St. Landry Parish and Sugar Cane Section* (Louisiana State University Extension Circular, No. 89), Part IV, p. 46.

[34] Olmsted, *op. cit.*, II, 94-124.

[35] Polishing is a process of smoothing the surface of the grains. The very fine particles removed are called "rice polish".

might have numerous slaves and sometimes tenants in addition to his own family, which was often comparatively large, the crop was usually a big one. If there was more rice than could be consumed on the plantation during the year it was sold. There were, however, certain sections of Louisiana that cultivated rice for commercial purposes only. The census report of 1840 shows that Plaquemines parish produced 985,800 pounds and St. Charles parish 800,000. Sixteen parishes reported the production of some rice in 1839.[36]

It is difficult to make a definite statement concerning rice culture in Louisiana before the period of the Civil War. The Auditor of Public Accounts reported that the state planted 5,396 acres of rice in the year 1856.[37] One is convinced after some research that rice production had by that date become an important industry in a limited number of parishes. A book entitled *Description Des Etats Unis,* printed in 1820, states that there was "produced around New Orleans about fifteen barrels per acre. The value of one hundred acres cultivated by fifty workmen is $4,200 or $84 for each workman."[38] John Gazzo of Lafourche parish said in 1854: "Rice can be very profitably grown on our land. The yellow or golden grain is best adapted. It produces from fifty to one hundred bushels of rough rice to the acre."[39] Rice land on the lower Mississippi yielded about seventy dollars per acre.[40]

A real impetus was given to rice cultivation in the late fifties. The price of sugar was so low that its production became unprofitable, and planters were confronted with the problem of utilizing the desolated sugar plantations without expending much money. In 1854 the *Southern Sentinel,* published at Plaquemine in Iberville parish, suggested that "at a period like the present when the price of our staple (sugar) has got down to such a ruinous figure, any description of agriculture which would be adapted to our climate and soil should not fail to receive the attention of our planters. . . . We venture the assertion that as soon as any considerable number of our people shall have embarked in the culture of rice on an extensive scale, the intelli-

[36] *U. S. Census Report (1840),* 240.
[37] *National Intelligencer,* February 14, 1856.
[38] D. B. Warden, *Description Des Etats Unis* (New Orleans, 1820), IV, 291-292.
[39] *U. S. Patent Office Reports (1854),* 160.
[40] *American Agriculturist,* II, (1843), 73-75.

gence of the planting community will bring machinery to bear, so that all difficulties may be overcome for the sowing, reaping and threshing."[41]

During the Civil War and Reconstruction periods Louisiana rice production increased rapidly, as a glimpse at the statistics show. In 1864 the total rice crop of the state was 1,580,790 pounds. Within two years it had increased to 4,706,720 pounds, and within four years to 9,509,910 pounds. A decade after the close of the war the annual production had reached 22,338,980 pounds; and in the three years between 1874 and 1877 production increased by one hundred per cent.[42] Thus in fourteen years rice production in Louisiana increased about twenty-seven fold. During this period rice was the most important crop raised in the lower sections of the state.

Prior to the Civil War Plaquemines parish produced about two-thirds of the total rice crop of the state. After the war it lost its first rank among the parishes, although it increased its production five fold. A fair yield in that parish was twelve barrels of rough rice per acre. The Oakland Plantation reported the maximum crop of twenty-four barrels to the acre from a forty-acre field.[43] The great expansion of the crop to other sections of Louisiana was due to the extension into hitherto idle lands, its usurpation of former sugar plantations, and its invasion of the lowlands. The three parishes, Plaquemines, Lafourche and St. Charles, produced the largest quantity of rice in 1874-1875. The total Louisiana rice crop of that year was 104,415 barrels.[44] In 1876 Louis Bouchereau reported the crop of the state as 176,826 barrels.[45]

Many planters who contributed to agricultural periodicals about this time advised that rice be planted as a minor if not a major crop. Edward Hickey wrote: "An energetic man can attend to a fall garden; four acres cabbage 20,000 5¢ each $1,000; 20 acres rice 400 barrels $3.50 per barrel $1,400—$2400." He believed that five men could prepare two hundred acres of land, sow the seed, harvest, stack and thresh the crop and realize $16,000 for their work.[46]

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[41] *Southern Sentinel*, June 24, 1854.
[42] U. S. Department of Agriculture, Division of Botany, *Bulletin No. 22*, (1899), 17-18.
[43] *Daily Democrat*, June 13, 1880.
[44] John Dimitry, *History of Louisiana*, (New York, 1904), 205-206. A barrel contains two hundred and sixty-two pounds of clean rice or one hundred and sixty-two pounds of rough rice.
[45] *Daily Democrat*, April 14, 1877.
[46] *Ibid.*, August 12, 1877.

During this stage of the development of rice cultivation it was customary for a news reporter to visit the various mills in New Orleans as well as some of the larger plantations close to the city. The reports of several proprietors in 1877 are extant. Seward, of the firm of Seward & Thompson, estimated the crop of 1876 at 170,000 barrels of cleaned rice. Some planters, he said, were not eager to raise rice again since the price was so low. The average price of 4¾ cents per pound for the preceding year was due to lack of system. The chief inconsistency was that too many people not in business received rice on consignment and hastened to sell it at any price in order to get rid of it.[47]

The senior member of the firm of Kipp & Rausch said that his records showed 172,000 barrels of cleaned rice in 1876—the largest crop ever produced in Louisiana. He predicted that the crop of the ensuing year would equal that of 1876, although the acreage was one-fifth less. The weather had been very favorable and there had been an abundance of water.[48]

Lange, of the firm of Lange & Legendre, was also optimistic. He calculated that from 50,000 to 60,000 barrels would be produced in the rough in Lafourche parish. Last year, he said, some land did not produce more than eight barrels per acre when a fair yield would have been from twelve to fifteen barrels.[49]

Joseph David's agent thought that the quantity of rice might be a little less than in 1876 due to the cut in acreage, but he believed that the quality would be better. The indications were that the crop would yield an average of fourteen barrels per acre. It was a little backward in the leading parish, due to repeated plantings as a result of salt water from the Gulf. He thought the low price of rice resulted from the irregularities of the industry.[50]

A. Socola had attempted to improve the culture of the staple because quality had been neglected during the rapid increase in quantity. He estimated the average price of the crop of 1876 at 4¾ cents per pound. The low price was not due either to the large crop or to lack of demand. Even Carolina demanded Louisiana's crop, since it matured earlier. Rather, the low price was due to receivers and consignors who could not hold the crop for a better price, but sold it to St. Louis and Chicago capitalists.[51]

[47] *Ibid.*, August 30, 1877.
[48] *Ibid.*
[49] *Ibid.*
[50] *Ibid.*
[51] *Ibid.*

The reporter also visited the rice mills of Felix Sevin, J. M. Walsh, C. H. Allen, and Raoul Dupré, but their reports were similar to the interviews already cited. There were then eight rice mills in the city of New Orleans and five others nearby. The rice trade of the Louisiana mills then compared favorably with that of Charleston, South Carolina. In fact, Louisiana was furnishing South Carolina and Georgia with seed.[52]

The rice crop of 1878 was very satisfactory. The yield was good, but market prices were irregular until western demand improved and settled them. During the first quarter of 1878-1879, 160,291 barrels and sacks were marketed as against 144,753 for the preceding year. The following table will give a good idea of the crop of 1877-1878 as well as of the amount cleaned during various months:

1877-1878	Barrels cleaned	Sacks of rough
August	14	15,050
September	1,309	49,931
October	3,918	75,720
November	3,485	34,176
December	1,670	20,323
January	2,086	15,567
February	1,413	10,195
March	540	6,791
April	137	1,376
May	833	4,620
June	1,109	6,044
July	82	1,663
	16,596	241,456
Barrels of clean rice received		16,596
Rough rice reduced to clean		104,985
Total crop marketed		121,581
Seed and consumption		15,000
Total crop		136,581
Average price per barrel		$11.50[53]

[52] *Ibid.*
[53] *Ibid.*, December 1, 1878.

In April, 1880, another tour of the rice mills was made by a reporter for the *New Orleans Times*. Raoul Dupré predicted that the coming crop would be larger by twenty-five or thirty per cent than any which had ever been harvested in Louisiana. The seed was of better quality and there was an increase in acreage. A number of sugar planters had begun the cultivation of rice on their back lands the previous year and more had gone into it this year. It was very convenient for them to cultivate rice while the cane was ripening. They had the hands and the stock which they had to keep through the season between sugar planting and grinding, and they could therefore raise rice at very little expense.[54]

David Talmage believed that the crop of 1880 would be the largest in the history of Louisiana. The price had been very satisfactory, and if it should be as good next season he felt that the whole state would be planted in rice. It was quite proper, he said, for the Legislature to make laws concerning flumes, syphons, and pumps. Especially was it important that rice flumes should be properly constructed under the direction of state officials. Accidents would thus be reduced.[55]

G. A. Lanux emphasized the number of former sugar plantations that were transferring to rice culture. A. Socola pointed to the good price of last year's crop—it ranged from 5½¢ to 7½¢ per pound, according to grade or quality—and predicted that within a few years Louisiana would be the China of America. Hugh Allston & Company reported that the yield of 1879-1880 was 167,000 barrels. An increase in acreage, it was thought, would bring the yield for the ensuing year to 225,000 barrels, the greatest crop ever produced in Louisiana.[56]

During the early eighties several attempts were made to cultivate rice in the uplands. The same varieties were used, the Golden Seeded, White Seeded, and Honduras. The last was the most popular in Louisiana. It was a bearded species and was not considered to be of much value until millers learned to remove the beard, after which it brought the highest market price. In upland cultivation the rows were made about three feet apart and from three pecks to a bushel of seed was sown per acre. When the plant

[54] *New Orleans Times*, April 30, 1880.
[55] *Ibid.*
[56] *Ibid.*

was two or three inches high it was cultivated with a small number "O" plow, and weeded once by hand.[57]

According to an article appearing in the *New Orleans Times*, every farmer in the Southern States south of Cairo should raise rice in sufficient quantities to supply the family and feed the poultry.[58] This indicates that there was a widespread interest in rice culture, and the plan might have been profitable in those days before the potential gold mine of rice was uncovered in Southwest Louisiana.

This beginning in upland rice production eventually led to the concentration of the industry in one area—Southwest Louisiana. It was only natural that the cultivation of this plant should concentrate in the most adaptable locality of the state.

Chapter III

Expansion of Rice Culture into Southwestern Louisiana

That part of Louisiana made famous by Longfellow's "Evangeline" is now the widely known rice belt of the state. Sometime between January 1 and 13, 1765, a party of Acadian French, who had been expelled by the English from Nova Scotia, arrived in New Orleans. Sympathetic citizens of that city gave them aid and sent them west of New Orleans to form settlements. Their first colony was established at Opelousas in St. Landry, the mother of Acadia parish.[59] Acadia is the geographical center of that portion of the state known as Southwest Louisiana, which is approximately the region between the Atchafalaya River on the east and Texas on the west. It is composed of St. Landry, Iberia, St. Martin, Vermilion, Lafayette, Cameron, Calcasieu, and Acadia parishes. This section is made up mainly of prairies which, intermingled with bayous, form the famous rice belt of Southwest Lousiana.[60]

In 1807 St. Landry was one of nineteen parishes in the Territory of Orleans, the predecessor of the state of Louisiana. The old Creole population dates back to 1790 when a few families settled along the Mermentau River near Lake Arthur. The earliest English settlers came about 1800. Acadia parish was formed

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[57] *Ibid.*, December 1, 1880.
[58] *Ibid.*, November 21, 1880.
[59] Rice and Griswold, *op. cit.*, 462.
[60] *Crowley Signal*, May, 1898.

from St. Landry on October 6, 1886. It has an area of 640 square miles or about 400,000 acres. One-fifth of this land was covered with timber that bordered the streams while the remaining four-fifths was prairie.

By 1884 an appreciable number of farmers had migrated from the northwestern wheat fields to the Louisiana prairies. They came with a view of planting vegetables and fruits. They found in this section the pastoral "Cajun" growing rice for family use by leisurely Oriental hand methods. They cultivated it in low spots where standing water reduced irrigation to the simplest process. It was called the "Providence Crop", for it depended wholly upon local rainfall for irrigation. In rainy years the crop was good, but frequently it was a failure due to lack of rain.

Among northern immigrants in the early eighties was S. L. Cary of Iowa. He went to Texas with a group which settled near San Marcos, but Cary decided not to remain there. On his way back North he passed through Louisiana and secured a book published by William H. Harris, then State Commissioner of Agriculture and Immigration, and this work impressed him favorably with the possibilities of the state. He disembarked at Jennings where the prairie reminded him of Iowa. He was surprised to find cattle grazing there on winter grass while the temperature in Iowa was twenty-four degrees below zero. There was a great quantity of government land, and realizing the great possibilities of rice culture, Cary hastened back to New Orleans to locate a homestead. He expressed his mission breathlessly but the official with a smile remarked: "You need not hurry, my good friend. Nobody wants that land but you."[61]

He returned to Jennings, found the position of station agent vacant and received the appointment. In his spare time he wrote letters to his friends back in Iowa, told them of his wonderful find, and begged them to come to Jennings. He aroused interest and had many letters to answer. The immigration work grew and he was sent to Iowa by the Southern Pacific Railroad Company to advertise the land and opportunities of Southwestern Louisiana. He secured the coöperation of J. F. Merry, immigration agent of the Illinois Central at Manchester, Illinois, and the

[61] *The Pioneer Rice Man of Louisiana*, 2. This is a brief life of S. L. Cary, written in letter form. It is the property of the Southern Pacific Railroad Company, and was loaned to the writer by their agent, Mr. H. C. Fondren.

fame of the Evangeline country grew by leaps and bounds. For fourteen summers Mr. Cary went North and each time returned with parties of farmers from Iowa and Illinois.[62]

An inhabitant of Jennings, named McFarland, suggested to Cary that of all crops raised on the prairies rice brought the best returns. So Cary experimented with rice and other agricultural products during the dull winter months. He found that with an adequate and regular supply of water, prairie rice grew abundantly. He soon interested his wheat-growing friends of the North in cultivating it. Maurice Bryne of Iowa, whom he induced to settle in Louisiana, introduced the first twine binder that was ever used in rice cultivation in the state.[63] Thus outsiders awakened the people of Louisiana to the great possibilities of her natural resource—rice lands.

Many others caught the spirit of progress. The usual means of advertising were employed. Circulars were printed as early as 1884 by Cary and used to boost the rice lands. Prosperity numbers of magazines and newspapers were issued. One of them said: "The stereotyped advice to young men to 'Go West' has been changed and now is 'Go South'. The South is now building up, increasing in wealth and population, as no other portion of the United States is doing today. The young man just starting out in life should have the most favorable opportunities and advantages that he can secure, for these are half the battle of success. The Southern states afford these advantages and opportunities."[64]

Another article stated:

> There are many reasons that can be given why a farmer should locate in Southwest Louisiana. In the first place, a complete crop failure is almost unknown, since a drought, the greatest of all the disasters to the Western farmer, practically never occurs. There are no long winters here during which the farmer has to sit with folded hands and kill time till spring rolls around again, but on the other hand the climate is so mild that he can work outdoors almost constantly. And not the least of the reasons is the greater opportunity for profitable investments. All of those advantages combine to make Southwest Louisiana the most desirable home for the man looking for a new location.[65]

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[62] *Ibid.*
[63] *Ibid.*, 3.
[64] *Crowley Signal*, May, 1898.
[65] *Ibid.*, p. 11.

Any number of similar articles could be quoted. Attractive headlines were used, such as: "An Ideal Country", "Is Not Surpassed", "The South Prosperous", etc.[66] Longfellow's poem on "Welcome" was often quoted:

> Welcome once more to a home, better
> perchance, than the old one.
> Here no stony ground provokes
> the wrath of the farmer;
> Smoothly the plow share runs through the soil
> as a keel through the water.
> All the year round the orange
> groves are in blossom,
> And the grass grows more in a single night
> than a whole Canadian summer.
> Here too numberless birds run wild
> and unclaimed on the prairies;
> Here too the land may be had for
> the asking and forests of timber.
> Beautiful is the land with its forests
> of fruit trees.
> Under the feet a garden of flowers
> and the bluest of heavens bending
> Above and resting its dome on the
> walls of the forests.
> They do well there to have named it
> the Eden of Louisiana.[67]

Immigration opened the eyes of the old residents and they began to awaken from their Rip Van Winkle sleep and to participate in the agricultural and commercial development of Acadia parish. "Immigration was the keynote, the magic wand that has made it possible for the parish to become one of the richest and most enlightened of the whole South."[68] Writing many years later, Edwin B. Copeland compared developments in Southwest Louisiana in the eighties with the California boom thirty years afterward. It was common, he said, for the first rice crop to pay for the land and equipment.[69]

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[66] *Ibid.*, pp. 3, 9.
[67] *Louisiana Rice Book* (Issued by Passenger Department of the Southern Pacific Railway), 10.
[68] *Crowley Signal*, March 9, 1889.
[69] Edwin Bingham Copeland, *Rice* (New York, 1924), 208.

Towns and parishes of Southwest Louisiana teemed with interest, bustle and building. A Nebraska journal copied an article from the New Orleans *Times-Democrat* which described Crowley, the parish seat of Acadia, in these terms:

> On every hand may be seen new buildings in the course of erection. Every train brings new recruits from the far northwest or from the less favored states in the South. Where two years ago was a level prairie covered by a heavy growth of grass stands today one of the prettiest and liveliest little cities in the State. The present site of Crowley changed almost over night from the barren prairie, selling at fifty cents an acre to the "Rice City of America."[70]

Land previously valued at twelve and a half cents an acre soon increased to $30 and $40.[71]

The interest of old residents in the development of rice culture was shown by the establishment of a rice mill at Rayne, a town that was founded long before Northern immigration began. On June 4, 1887, the *Acadia Sentinel* reported that the people of Rayne approved the erection of a rice mill. A week later another article stated that $15,000 had been immediately subscribed for the purpose. They believed that the savings on the cost of shipment of rice would pay the cost of construction of the mill in a relatively short time. Besides, such a plan would benefit all classes by leaving money at home. Immediate plans were made for the construction and the mill was opened for business in the fall.[72]

This was the era of machinery in rice milling as well as in cultivation. The primitive method of placing the rice in a hollow stone or stump and pounding it with a pestle until the hull was cracked, was first improved upon by making the rice receptacle out of a section of a hollow log. The lightwood pestle was replaced by a heavy wooden pounder bound to a horizontal beam six to eight feet long, resting on a fulcrum four to five feet from the pounder. It was raised by stepping on the short end of the beam and then quickly releasing the foot. The pounder dropped into the rice receptacle and delivered a blow. The next improvement was an "overshot wheel" which was attached to a long horizontal shaft with arms separated by a distance equal to the

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[70] Pamphlet Advertisement of W. W. Duson & Bros. of Crowley, 16 pp. Preserved in the Howard Memorial Library, New Orleans.

[71] *Review of Reviews*, XXXIII (1906), 716-719.

[72] *Acadia Sentinel*, June 4, 11, August 6, September 3, 1887.

length of the rice pounder.[73] An annual increase in the rice crop necessitated a parallel extension of milling capacity. In New Orleans the two or three crude mills built in the sixties were replaced by more improved mills. By 1888 there were thirteen rice mills in that city. The number of mills in the country increased in the same proportion. They were scattered from Plaquemines to Ascension parish and from the Mississippi to Lake Charles.[74]

This development in rice milling was accompanied by the formation of a trust among the millers. In the fall of 1888 much of the rice was held in the country or stored in warehouses to break the trust. This combination of millers which attempted to dictate the prices that should be paid for the rice crop aroused the planters of the whole state into common rebellion. Although many rice growers had formerly been renters, an increasing number were landowners who were striving for permanent improvement and economical culture. Therefore these planters were in a position to unite in "The Rice Planters and Receivers Association" against the "Rice Millers Trust".[75] Both organizations proved to be failures. The *Planter* states: "Both died before the year expired and few tears were shed at their funerals."[76]

The number of twine binders used in harvesting the rice crop increased rapidly. One was used in 1884, five in 1885, fifty in 1886, two hundred in 1887, four hundred in 1888, and one thousand in 1890.[77] The systems of culture and irrigation were changed to make possible the use of harvesting machinery like that used in the wheat fields of the Northwest, which greatly lessened the cost of production. The newspapers carried advertisements of various pieces of machinery used by the rice planter.

To cut rice with the sickle as Abel had done was hardly in keeping with the progressive methods employed in harvesting other agricultural products that competed with rice. Furthermore, the low prices of rice awakened an active inquiry into labor-saving methods, and from these inquiries came the rice harvester with which two men and four mules could cut and bind fifteen acres of rice per day. This equalled the work of forty men with sickles. Since these machines cost two hundred dol-

[73] U. S. Department of Agriculture, Division of Botany, *Bulletin No.* 22 (1889), 33-34.
[74] *Louisiana Planter and Sugar Manufacturer*, I, 28, (July 21, 1889).
[75] *Ibid.*, I, 69. (August 18, 1888).
[76] *Ibid.*, III, 139. (August 31, 1889).
[77] *Louisiana Rice Book*, 14.

lars each a small farmer could not afford one, but the neighborhoods combined and used one machine for several farms. Small fields and numerous ditches were the chief obstacles in using harvesters. Small planters and farmers solved the harvesting problem by substituting the more rapid cradle for the sickle.[78]

The lordly sugar planter who owned a hundred slaves and spurned that culture nurtured by the brothers of Evangeline would have been amazed had he known that the total production of rice in Louisiana in 1887 was eighty-eight million pounds, while the Carolinas and Georgia together produced only sixty-eight million pounds. His children were to learn from these meek and humble people the way to earn their living.[79]

The three most popular varieties of rice grown in Louisiana after the great development of 1884 were the Carolina, the Honduras, and the Japan. The Honduras was the famous gold seed which ranked high among the rices of the world for size, richness of kernel and large yield. The choice of seed was a matter of great importance as there was a constantly increasing percentage of red rice, and with a few years of neglect the whole crop would be red.[80] This separate species was a nuisance to the planter. It was very objectionable to the graders, and superior rice was put in an inferior class if it contained even a limited quantity of red rice.[81] It could be exterminated by discontinuing the use of the field for one year or by plowing very deeply and planting early. Thus the red rice was turned under so deeply that it was late in sprouting and maturing. When the rice was threshed the machine would throw out the immature grains and in so doing the red rice was destroyed.

The use of an excessive amount of seed stunted the whole crop and reduced the yield. It was suggested, however, about planting time in 1889, that an increase in the quantity of seed planted would increase the total crop. It was said that the more seed planted the less room there would be for grass. Several planters followed this advice and sowed as much as a barrel (162 pounds) to an acre. Although the average used that year was eighty pounds to the acre, experiments showed that forty pounds if evenly distributed and all germinated would produce a heavy

[78] *Louisiana Planter and Sugar Manufacturer*, III, 107, (August 17, 1889).
[79] *Ibid.*, I, 16, (July 14, 1888).
[80] *Ibid.*, I, 2, (July 7, 1888).
[81] According to L. H. Bailey, in his *Cyclopedia of Farm Crops*, this is different from the opinion abroad since rice is slightly colored before being cooked.

stand.[82] If rice was planted too thickly it could not sucker and would mature late, which extended harvesting into the stormy season.

The cost of rice cultivation was greatly reduced by the introduction of machinery to simplify and improve the methods used on the plantation and at the mill. It was estimated that after the first year expenses could be cut at least one-third even when all of the labor was hired. If all of the necessary equipment was paid for, expenses could be cut one-half after the first year. The *Louisiana Planter* listed the following expenses in producing a hundred acres of rice:

Two hundred and fifty rods of levee	$ 75.00
Breaking 100 acres	200.00
Fencing 100 acres	150.00
Seeding 100 acres	185.00
Planting the crop	40.00
Harvesting the crop	300.00
Stacking the crop	75.00
Rice sacks	130.00
Threshing (25¢ per sack)	300.00
Hauling crop to market	125.00
Total expense	$1,580.00

The estimated yield for the hundred acres was twelve barrels per acre. Rice was then worth $3.50 per barrel if in good condition, so that the gross income of the planter was $4,200, and the net profit $2,620. The total cost of the first crop was $15.80 per acre; the net profit was $26.20.[83] The expense list given above included the cost of all labor. Doubtless a larger net profit could have been realized had the planter done his own work with the assistance of a hand or two at seeding and harvesting time.

The type of soil best suited for the cultivation of rice was a silty loam, underlain by as semi-impervious subsoil. Rice grew well in fertile soil with large quantities of decomposing animal and vegetable matter.[84] The two methods of planting were broadcasting and drilling. Broadcasting was the method most commonly used by the planters of Louisiana.[85]

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[82] *Crowley Signal*, March 30, 1889.
[83] *Louisiana Planter and Sugar Manufacturer*, III, 154, (September 7, 1889).
[84] James Oscar Morgan, *Field Crops for the Cotton Belt* (New York, 1921), 361-371.
[85] "Rice Irrigation in Southwest Louisiana," in *Geological Survey of Louisiana*, Second Series, Bulletin No. 101 (1904), 82-94.

By 1889 it was apparent from the record of the preceding five years that rice culture was a permanent industry in Southwest Louisiana. But a controversy had arisen between the farmer and the planter. The farmer was the immigrant from the North; he brought with him his thrifty habits as well as money-saving expediencies. It was his custom to raise enough hogs, sheep, cattle, and chickens for home use. In fact, he did everything possible to make his home self-sustaining. Even though he thought first of the necessities of life there was ample time left to grow staple crops, and chief among these was rice. These former wheat growers found rice more remunerative than the grain of the West even with the prevailing low prices for rice.[86] The cultivation of rice was on a large and safe basis. The planter on the other hand was a Southerner. His efforts were primarily devoted to the one-crop system—hence his farm was not self-sufficient.

Acadia parish rapidly took first place in rice growing. The usual yield of that parish was from fifteen to twenty-four barrels per acre. The price averaged $3.00 per barrel; hence from $45.00 to $72.00 was realized per acre.[87] Each year the price of rice seemed to increase a little and by 1889 the opening price in August ran to $4.75 per barrel for good, well-cured rice, and $3.75 for unripe rice.[88] The acreage under cultivation gradually increased as did the number of plantations. The fields around Lake Charles in 1889 were small, ranging from ten to eighty acres but "as numerous as toads after a shower."[89] The Calcasieu letter in the *Planter* for November, 1889, written by the "Calcasieu Rice Bird", stated that "our country is dotted with rice stacks."[90] The *Thibodaux Comet* reported that "Mr. Gustave Genndry harvested 200 acres of rice in one week with two men and an improved binder."[91] The "Rice Items" column of the *Planter* contained a vast number of comments from each of the parishes in Southwest Louisiana, of which the above were typical. All of these reports and comments were very favorable.

Although the rice crop of 1889 was very satisfactory, that of 1890 surpassed it. St. Landry parish made rapid strides in rice culture, since many farmers by that year had as much as

[86] *Crowley Signal*, May 18, 1889.
[87] *Times-Democrat*, March 1, 1889.
[88] *Crowley Signal*, August 31, 1889.
[89] *Louisiana Planter and Sugar Manufacturer*, III, 381, (1889).
[90] *Ibid.*
[91] *Ibid.*, V, 37, (July 12, 1890).

four hundred acres each under cultivation. W. W. Duson of Crowley planted two thousand acres and harvested twenty thousand barrels.[92] Three barrels from St. James parish were on the market by July and these sold for $6.50 each. The "Calcasieu Letter" of the *Planter* for September, 1890, stated that rice could be grown in Southwest Louisiana for eighty cents per barrel. By 1890 a barrel of rice could be threshed for ten cents whereas in 1885 it cost twenty-five cents. The low cost of threshing in 1890 was due to keen competition.[93]

The record-breaking crop of 1890 totaled eighty million pounds. In the fifties the state ranked fourth in production of rice; in the sixties it rose to third place, and in the seventies to second rank. The great expansion of the eighties made Louisiana the greatest rice producing state in the Union by 1890.[94] Many believed that canals and artesian wells could supply water for irrigation in Southwest Louisiana which would solve the only problem that presented itself to the rice farmers at that time. These beliefs were soon substantiated and resulted in a new era in the cultivation of rice.

CHAPTER IV

IRRIGATION OF RICE IN SOUTHWESTERN LOUISIANA

Southwest Louisiana was endowed with all of the natural resources prerequisite to intensive and extensive cultivation of rice. In many respects the rice industry had made notable improvements in this section by 1890, although the science of irrigation, which had always been one of the primary problems, had not developed much beyond the Oriental stage.

The rice planter was no longer willing to depend upon a factor as unreliable yet as essential as the favorable elements to irrigate hundreds of acres of rice. The first step in the development of modern irrigation was the successful lifting of water by a steam pump in 1885.[95] Soon the bayous and ponds were fitted with "low lift" pumps.[96] No one attempted to irrigate more than a hundred acres. Mr. C. C. Duson of Crowley was the first to furnish water to planters for a fixed rate per acre. In 1890 he

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[92] *Ibid.*
[93] *Ibid.*, V. 223. (September, 1890).
[94] *U. S. Census Report (1910)*, 644-645.
[95] U. S. Department of Agriculture, *Bulletin No. 1365* (October, 1925), 2.
[96] A "low lift" pump is one in which the blades are horizontal and submerged.

put in a Huffer pump on Bayou Plaquemine. It was very unsuccessful due to the heated condition of the water and it was soon discarded.[97] Small pumps were used by many planters to carry the water through flumes from the bayous to the ditches. This simpler process was the forerunner of the canal system.

Henceforth the development of irrigation was partly due to crop failures in 1893 and 1894. On fields that were irrigated rice stood higher than an average man, while on non-irrigated fields it was only two or two and a half feet high. Reports from irrigated fields showed a good yield and a good quality but those from non-irrigated fields were adverse.[98] Viterbo Brothers of Lake Arthur irrigated their six hundred acres and realized a yield of 7,000 sacks. Many others did as well or even better where pumping was done. The necessity of sufficient water at the important periods in the growth of the crop was seen and attempts were instituted to supply the deficiency.

Even as early as 1892 various makes of pumps were advertised for pumping water on the rice fields.[99] The menge pump was widely used, and a planter felt prosperous if he owned such a pump and a small engine.[100] This was a very profitable outfit, but experiments continued. In 1894 a vacuum pump of the type used in the northwestern mining camps was placed in the Bayou Plaquemine.[101] It was operated by admitting condensed steam to cylinders direct from the boiler. In 1895 a centrifugal pump was substituted for the vacuum, and this in turn was replaced by a larger centrifugal which was able to do the necessary work. Its successful operation during the summer of 1896 marked a new era in the rice industry.[102]

The year 1894 was important in rice cultivation since not only the vacuum pump was introduced, but the present canal system proved a success.[103] S. L. Cary, immigration agent for the Southern Pacific Railroad Company, urged some of the planters to try the canal system in the irrigation of their rice fields. In 1893 C. L. Shaw and A. D. McFarland built the first canal on a field ten miles from Jennings.[104] The canal system solved many

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[97] *Crowley Signal*, May, 1898.
[98] *Louisiana Planter and Sugar Manufacturer*, XIII, 312, (November 17, 1894).
[99] *Crowley Signal*, March 18, 1892.
[100] *Louisiana Planter and Sugar Manufacturer*, X, 188, (March 25, 1893).
[101] "Rice Irrigation in Southwest Louisiana," in *Geological Survey of Louisiana*, Second Series (1904), 82-94.
[102] Louisiana State University Experiment Station, *Bulletin No. 113* (1902), 13.
[103] Rice and Griswold, *op. cit.*, 463.
[104] *The Pioneer Rice Man of Louisiana*, 2.

of the problems that had been confronting the planter. He had seen the bayous and lakes filled with water, but the problem was how to spread it over the fields. The first canal was nothing more than two parallel levees extending from the river to the prairie. The pumping plant lifted the water into the canal through which it flowed to the fields.

The first canal to be constructed in the Crowley fields was that of the Abbot Brothers in 1894. Soon another large plant was installed near Crowley. This plant was so constructed that it could furnish sufficient water to irrigate 4,000 acres.[105] By 1898 there were seventeen canal plants in Southwest Louisiana. Many of these were in the process of construction by 1896 and some were in actual operation. Canals were not only built around Crowley but over all of the prairie section. A Mr. Gueydan of Vermillion built the largest plant in the world for flooding rice in 1895.[106] This plant was guaranteed to supply 50,000 gallons of water per minute on a fourteen foot lift. When tested it actually threw 60,000 gallons twenty feet high! The plant was built to supply water to 14,000 or 15,000 acres of rice. Gueydan planned to rent sections of land to farmers which would be supplied with water from the canal. Many farmers eagerly moved that they might be assured of water for their rice crops at the right time.[107]

It was also learned that the number of flows could be diminished. The proper time for the first flooding depended upon the season, the variety of seed, and the time that the crop was planted. If the season were normal the moist soil would not require the first application of water until the rice was six inches high. The duration of the flow varied although fourteen days was the average. The second flooding took place when the soil was dry and the plant showed need of water. The water was left on until harvest time.[108] The amount used for one crop depended upon the strength of the levees and the quantity of water used at each flooding.[109]

Some valuable prairie rice lands were too far from the streams to make available the canal system of irrigation. In 1895 several attempts were made to bore wells in this section. Jean

[105] *Louisiana Planter and Sugar Manufacturer*, XIV, 153, (March 9, 1895).
[106] *Ibid.*, XIV, 328, (May 25, 1895).
[107] *Ibid.*
[108] Louisiana State University Experiment Station, *Bulletin No. 172* (September, 1920), 74.
[109] U. S. Department of Agriculture, *Farmers' Bulletin No. 1092* (February, 1920), 18.

Costex of Mermentau was given credit for the first successful plan of irrigating rice lands with water from a well. This well had only a two-inch bore and was driven by a windmill. Theo. Flash, a planter of Prairie Hayes, put down the first four-inch well and operated it by steam. S. L. Cary irrigated a field of 140 acres with a well of six-inch bore.[110] The well was a boon to the small rice farmer since the complete cost of a satisfactory well was only about three dollars per foot. A six-inch well would flood one hundred acres; an eight-inch well from one hundred and fifty to two hundred acres; and a ten-inch well from two hundred and fifty to three hundred acres.[111] These shallow wells gave more water than deeper wells elsewhere, and the water was at just the right temperature (70 degrees) for flooding.

The rice crop of 1890 was a very large one and was marketed at prices averaging from ½ to ¾ of a cent per pound higher than in any previous year. The net proceeds of the crop amounted to $1,100,000, which greatly exceeded the average of preceding years.[112] Crowley alone shipped six carloads of rice to market.

The crop of 1891 was even more gratifying than that of 1890. By 1892 the rice farmers were enthusiastic. Although a notable advancement had been made in preceding years, the continuous buying and leasing of rice lands seemed to show that the industry was yet in its infancy. In 1892 a vast amount of new land was planted in rice. The total crop of that year was by far the largest ever produced. As a result Northerners again began to migrate to the rice sections of Louisiana as in 1884.

At the Chicago World's Fair in 1893 there was a large exhibit of rice which showed all of the stages of the industry. An unlimited number of sample packages of clean rice was given away with a view to extending the rice market.[113] In the same year an exhibit was placed in J. B. Watkins' advertising car that was to be on the road for four years.[114]

Due to a shortage of warehouse room and lack of rice mills outside of New Orleans, the planters were forced to take what they could get for the crops of 1893. The price dropped lower

[110] *The Pioneer Rice Man of Louisiana*, 2.
[111] *Crowley Signal*, April 4, 1891.
[112] *Ibid.*
[113] *Ibid.*, March 11, 1893.
[114] *Louisiana Planter and Sugar Manufacturer*, X, 188, (March 25, 1893).

than it had been since 1858.[115] But the low price was partially balanced by the discovery of several by-products in the same year. Chaff was found to be valuable in packing articles for shipment. Ground rice was fed to livestock, especially as hog feed.[116]

During the season for preparing the ditches in 1895 many farms along the bayous were reclaimed and canals were built to supply the water. For the first time since 1892 farmers began to expand the rice industry. By this time irrigated fields produced more than half of the total yield. The crop of this year was an auspicious one and compared second only to the bumper crop of 1892.[117] The yield for 1895 was 1,305,139 sacks of rough and 7,482 barrels of clean rice, compared with 1,972,946 sacks of rough and 6,490 barrels of clean for the crop of 1892.

In the spring of 1896 there was another drought similar to those of 1893 and 1894. The rice planters were then thoroughly impressed with the fact that irrigation was the only safe course for them to pursue in order to be successful.

In 1892 Japan rice was planted in small patches by planters that commonly used Honduras. This was only an experiment, but in 1893 it was tried on a larger scale. The results were very satisfactory and planters everywhere were urged to plant Japan rice on at least a part of their land. Unlike Honduras, an early variety with long, small white grains and tall heavy straw, the Japan rice was a late variety with short, thick grains and short, light straw. The Japan variety required much less water than the Honduras, hence it was of special interest to the Louisiana rice farmers. In November, 1894, the *Planter* reported: "A considerable amount of Japanese rice was sown last spring. It has matured with much less water than the Honduras; yield was found to be much better; the rice mill men say it hulls easier than other rice."[118] In 1895 the demand for Japan rice seed exceeded the supply,[119] for it yielded better than Honduras and it also brought a higher price.[120]

Rice machinery was introduced in the eighties, but it was not perfected nor widely used until the following decade. Harvesting was the most expensive item in production, hence all

[115] *Ibid.*, XI, 163, (September 9, 1893).
[116] *Ibid.*, XIV, 331, (May 25, 1895).
[117] *Ibid.*, XVII, 93, (August 8, 1896).
[118] *Ibid.*, XIII, 326, (November 24, 1894).
[119] *Ibid.*, XVI, 328, (May 25, 1895).
[120] *Scientific American*, LXXIV, 295, (May 9, 1896).

planters were interested in the development of rice harvesting machinery. In 1890 the Osborn rice harvester was widely advertised. It was a steel-frame machine, and because of improvements suggested by the experience of past years it gave "excellent satisfaction" to the numerous users. One of these machines would do the work of thirty or forty men. The saving in labor in a short time would entirely repay the cost of the machine.[121] In 1892 the "Randolph rice header" was built by a prominent planter. This machine cut three times as much rice as any of the others and was lighter and therefore easier to manipulate. Two other new threshing rigs were shipped into Southwest Louisiana in December, 1892. By that time the demand for machines was greater than the supply, even though there was a comparatively large number of dealers in the rice section. In September, 1894, an improved harvester was offered for sale at Jennings. It cut a swath ten feet wide, and therefore harvested twice as much rice as earlier machines, and it required no additional hands or teams. The drive wheels slipped when in muddy fields, but this defect was corrected by attaching longer lugs. A self-feeder was attached to J. I. Case & Company's threshing rig, thereby eliminating three laborers. Many other improvements were made in rice harvesting and threshing machinery.

In 1891 the Engellery Huller Company of New Jersey sent an agent through the Louisiana rice producing parishes selling hullers and polishers. He placed a couple of hullers in a rice mill in Lake Charles that the people might see how they worked. These machines had recently been much improved and it was claimed by many that they did first-class work. A large number of hullers were sold to rice farmers and they gave satisfaction.

Other improved devices were introduced to aid the farmer in rice cultivation. Among these were the steam plow outfits, elevators for loading cars with bulk rice, and warehouses. These improvements resulted not only from practical experience in rice culture, but also from a study of labor-saving machinery used in the Northern wheat belt.

Perfected production, through the use of the canal system of irrigation and more efficient machinery for planting, harvesting and milling, is only half of a remunerative industry. Profit-

[121] *Louisiana Planter and Sugar Manufacturer*, VII, 62, (August 29, 1891).

able marketing of that which is efficiently produced is the other important part of an industry; and that they had not yet developed.

One would have thought that the rice planter would never be bothered again by trusts after the striking failure of the one organized in 1888; but in February, 1892, a gigantic trust embracing practically all the New Orleans rice mills was formed by an unknown corporation. The *Planter* thus explained the reason for its formation: "Because hitherto they have not made much money and now they think while competing with each other they pay too much for rough or sell clean too low."[122]

Resistance to the rice trust began soon after it was formed since the price was immediately affected. Before its advent the market was strong and firm at $3.00 to $4.75, and about twelve of the mills in New Orleans were in operation, giving employment to hundreds of people. A few days after the millers' trust was created all of the mills except three or four were closed down. The "open-hearted trust" offered $3.65 for rough rice formerly selling at $4.00. The planter refused this price and in a few days it was reduced to $3.35. Clean rice on the other hand had increased from three to six cents per pound.[123] The planters resisted by patronizing country mills, advocated corrective legislation, and sought to have the courts declare the trust a monopoly. The newspapers sounded warnings to the planter and pointed out the proper measure for fighting the trust.[124] As a result, a group of rice growers met at Crowley and perfected an organization in May, 1892. They established a mill of their own to avoid the trust in New Orleans. The organization as well as the mill took the name of "Farmers' Coöperative Rice Milling Company".[125] Planters in several other towns erected coöperative mills. The people of Jennings and Lake Charles formed stock companies for the purpose of building rice mills.[126] In December, 1892, the trust became known as the "National Rice Milling Company" of New Jersey.

The trust and the prevailing low price of rice were not the only problems confronting the planter, for in 1894 the rice millers began to import unpolished rice, but represented it as uncleaned.

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[122] *Ibid.*, VIII, 158, (February 27, 1892).
[123] *Ibid.*
[124] *Ibid.*, VIII, 303, (April 23, 1892).
[125] *Crowley Signal*, May 14, 28, 1892.
[126] *Louisiana Planter and Sugar Manufacturer*, VIII, 381, (May 21, 1892).

The tariff on paddy was much lower than that on unpolished rice; hence the profit of the millers was greater. This imported rice could be prepared for the market for 1/32 or at most ⅛ of a cent per pound. The tariff prior to 1894 was as follows:

Foreign milled, cleaned rice per 100 pounds	$2.25
Uncleaned rice per 100 pounds	1.50
Unpolished but imported as uncleaned	1.80
Difference in favor of American miller	.45

The tariff of 1894 was:

Foreign milled, cleaned rice per 100 pounds	$2.00
Uncleaned rice per 100 pounds	1.25
Unpolished but imported as uncleaned	1.50
Difference in favor of American miller	.50

The Wilson bill of 1894 was:

Foreign miller, cleaned rice per 100 pounds	$1.50
Uncleaned rice per 100 pounds	1.00
Unpolished but imported as uncleaned	1.20
Difference in favor of American miller	.30

Talmage & Son of New York and others desired:

Foreign milled, cleaned rice per 100 pounds	$1.50
Uncleaned rice per 100 pounds	.75
Unpolished but imported as uncleaned	.90
Difference in favor of American miller	.60[127]

The price of cleaned rice was determined by the value of foreign cleaned rice delivered duty paid in the United States.[128] The millers approved the tariff suggested by Talmage & Son. They claimed that the margin between cleaned and uncleaned rice was too narrow to allow enough profit for the miller to exist, hence they wished to import the foreign rice which could be milled at an advantage over the domestic.

New Orleans as a central rice market for Southwest Louisiana became still more unpopular in the fall of 1894, for inspectors were appointed to examine the rice received there. Producers were charged one cent on each bag to pay the cost of inspection. The broker was really the logical one to bear this expense. Inspection also resulted in wastage and stealing. Therefore, rice was sold at the country mills or to agents at the rail-

[127] *Crowley Signal*, January 27, 1894.
[128] *Louisiana Planter and Sugar Manufacturer*, VIII, 91, (February 6, 1892).

road station or boat landing. Planters began to ship carloads of rice direct to North and South Carolina and to New York City.[129] This plan eliminated the middleman or the commission merchant. Sometimes agents were sent out into the country to buy the rice direct from the planters.

The year 1896 marked the beginning of a new era in rice production. By that time the general lines of development were well established, and the industry had become an important factor in the economic life of the state. Probably the most significant evolution of the twentieth century was a diminution in the number of rice planters, accompanied by an increase in the size of the planting units. Intensive cultivation and improved machinery enabled fewer rice farmers to grow an ever-increasing amount.

Chapter V

SUMMARY

The rice plant, older than authentic history, is probably of Indian origin. It was introduced into Europe in the eleventh century. William Berkeley attempted to grow it in Virginia in 1647, but cultivation was soon discontinued there. It was first successfully cultivated in Carolina in 1693 by Landgrave Thomas Smith with seed obtained from a Madagascar boat captain. Soon the industry spread into Georgia and by 1839 thirteen states reported the production of some rice. The Atlantic states were very productive but by 1860 they had reached their peak, and newer states, especially Louisiana, began to produce enough to demand attention.

Supposedly rice was first brought into Louisiana in 1718 by the group of Frenchmen who founded the city of New Orleans. It was soon learned that the most suitable place in which to grow it was along the banks of the Mississippi. Plaquemines parish led all of the others until 1880. The conditions for rice cultivation in Louisiana compared very favorably with the conditions in the Atlantic seaboard states. Rice for domestic use was milled at home. However, by 1870 there were one or two public mortar and pestle pounding machines established on the lower coast. The rice industry was given a real impetus after 1860 for planters were confronted with the problem of how to utilize their former sugar plantations, since the production of that crop was no longer

[129] *Ibid.*, XVII, 397, (December 19, 1896).

profitable. The rice industry rapidly expanded and by 1864 Louisiana produced 1,580,790 pounds. Rice was the most important crop of Louisiana in that period. In the early eighties attempts were made to grow rice on the uplands, and the success of this experiment resulted in the development of the famous rice belt of Louisiana.

In 1765 a party of French Acadians settled at Opelousas in St. Landry parish with the aid of some New Orleans citizens. This was the beginning of the settlement of Southwest Louisiana. By 1884 Iberia, St. Martin, Vermilion, Lafayette, Cameron, Calcasieu, and St. Landry parishes had been established, and in 1886 Acadia was created. The flow of emigrants from the northwestern wheat fields to this section began in 1884. S. L. Cary of Iowa became the immigration agent for the Southern Pacific Railroad Company. Each summer he would go North and return with parties of northern farmers. Maurice Bryne, one of these farmers, brought the first twine binder into Louisiana to be used in rice harvesting. Machinery was introduced for every process in the industry. The first mill to be erected in the prairie section of Louisiana was at Rayne in 1886. The farmers organized the "Rice Planters and Receivers Association" in 1888 to combat a trust formed by the millers of New Orleans. Both of these organizations died within the year. Honduras was found to be the most profitable variety of grain. Many had faith in the prophecy that in a short while Southwest Louisiana would be artificially irrigated.

After efficient machinery had been introduced, the chief problem of an adequate water supply at the right time confronted the rice grower. Water was at first lifted for irrigation by a steam pump in 1885. A comparatively small number invested in these pumps. However, the drought of 1893 and 1894 made the planter understand that he could not depend upon the favor of the elements. In 1894 the "low lift" pump was replaced by the vacuum, and it in turn a year later by the centrifugal. C. L. Shaw and A. D. McFarland constructed the first canal for rice irrigation in 1894. Canals were immediately built all over Southwest Louisiana. Mr. Gueydan had the largest one in the world in 1895. The farmers away from the lakes, bayous and rivers had their problem solved by Jean Castex who bored the first well for irrigation. The yield of 1892 was record breaking. Japanese rice gained the favor of the planters since it required less water than

the Honduras and was found to be more profitable. A second millers' trust was formed in 1892. This was more enduring than the one of 1888, hence it caused the planters more trouble. Planters were also handicapped because millers imported unpolished rice as uncleaned. Since the tariff was less on uncleaned rice than it was on unpolished rice, the millers made greater profits. To avoid the rice trust, the planters began to combine, to build mills and to ship direct to New York and other big markets, thereby eliminating the middleman and wresting the monopoly from the New Orleans rice millers. The above step was the beginning of an efficient marketing system although the science of production was almost perfected already.

APPENDIX A

The Marketed Production of Rice in the United States, 1720-1896
(Figures for each year are for crop in pounds of cleaned rice of the preceding year.)

Year ending	Production (pounds)	Year ending	Production (pounds)
1720-1724	50,274,566	1744	34,612,984
1725	6,614,782	1745	25,560,256
1726	8,590,563	1746	23,205,228
1727	10,027,732	1747	23,215,448
1728	11,154,565	1748	23,635,496
1729	12,079,232	1749	17,298,352
1730	21,153,054	1750	24,418,194
1731	20,020,923	1751	31,290,089
1732	18,793,476	1752	39,853,796
1733	25,718,082	1753	18,066,489
1734	15,385,890	1754	45,091,967
1735	22,993,815	1755	50,747,090
1736	26,561,887	1759(a)	26,317,075
1737	21,624,880	1760	30,394,500
1738	17,414,998	1761	50,697,500
1739	34,120,195	1762	39,821,000
1740	39,035,080	1763	50,529,500
1741	34,297,120	1764	50,921,000
1742	19,811,988	1765	53,646,000
1743	31,462,048	1769(a)	58,357,500

(a) No reports for 1756-1758, 1766-1768, 1772, 1775-1782 (period of the Revolutionary War), or 1785-1789.

Year ending	Production (pounds)	Year ending	Production (pounds)
1770	75,264,500	1802	47,893,200
1771	65,250,000	1803	49,102,800
1773(a)	56,324,500	1804	47,031,000
1774	62,538,000	1805	39,098,000
1783(a)	11,580,000	1806	62,176,200
1784	28,461,500	1807	56,815,200
1790(a)	59,835,033	1808(c)	5,536,800
1791	43,508,540	1809	71,144,200
1792	84,112,120	1810	78,840,600
1793	79,869,193	1811	71,613,600
1794	32,630,418	1812(d)	46,314,000
1795	82,192,093	1813(d)	72,505,800
1796	77,749,806	1814(d)	6,885,600
1797(b)	35,665,860	1815	77,548,800
1798	74,310,964	1816	82,705,800
1799	65,671,691	1817	47,577,600
1800	67,233,600	1818	52,908,600
1801	56,910,600	1819	45,913,800

Year ending	N. & S. Carolina	Georgia	Total
1820	43,951,800	9,340,200	53,292,000
1821	59,331,600	10,023,000	69,354,600
1822	52,296,600	8,247,600	60,544,200
1823	54,433,200	7,518,000	61,951,200
1824	66,852,000	8,611,800	75,653,800
1825	61,192,200	4,941,000	66,133,200
1826	62,875,800	7,473,000	70,348,800
1827	71,036,800	8,650,800	79,686,600
1828	78,773,400	8,633,400	87,406,800
1829	79,638,600	12,717,000	92,355,600
1830	74,010,600	13,555,200	87,565,800
1831	66,193,200	15,158,400	81,351,600(1)
1832	76,585,200	14,569,800	91,155,000
1833	86,233,800	20,719,200	106,953,000
1834	71,407,200	15,815,400	87,222,600

(a) No reports for 1756-1758, 1766-1768, 1772, 1775-1782 (period of the Revolutionary War), or 1785-1789.
(b) Harvest storms.
(c) Year of the Embargo.
(d) War with England.
(1) No report.

Year ending	N. & S. Carolina	Georgia	Total
1835	74,700,000	15,900,000	90,600,000
1836	84,810,600	16,500,000	101,310,600
1837	75,874,800	14,700,000	90,574,800
1838	58,104,600	13,500,000	71,604,600
1839	67,350,600	14,599,200	81,949,800
1840	67,710,600	16,435,200	84,145,800
1841	68,000,400	16,252,200	84,252,600
1842	74,914,800	15,338,400	90,253,200
1843	86,860,800	18,168,600	105,029,400
1844	85,950,000	19,825,800	105,775,800
1845	76,128,000	20,230,200	96,358,200(1)
1846	71,868,600	22,288,200	94,156,800(2)
1847	93,488,800	22,043,400	115,244,200
1848	81,381,000	21,081,600	102,462,600
1849	96,751,200	22,408,800	119,160,000
1850	86,662,600	25,675,200	112,237,800
1851	81,414,600	21,361,200	102,775,800
1852	81,776,400	23,975,400	105,733,800
1853	84,188,400	18,279,000	102,467,400
1854	82,981,800	18,448,800	101,430,600
1855	64,150,200	6,721,866	70,872,000
1856	85,662,000	17,944,200	103,606,200
1857	83,043,000	16,521,600	99,664,600
1858	89,436,600	18,807,000	108,243,600

Year ending	N. & S. Carolina	Georgia	Louisiana	Total
1859	93,667,800	22,625,400	.....(1)	116,293,200
1860	96,516,000	21,369,000	.....(1)	117,885,000
1861	82,171,200	21,429,000	1,679,000	106,279,200
1862	.....(1)	.....(1)	2,051,830	2,051,830
1863	.....(1)	.....(1)	2,086,280	2,086,280
1864	.....(1)	.....(1)	1,580,790	1,580,790
1865	2,471,400	.....(1)	2,269,180	4,740,580
1866	7,500,000	.....(1)	2,746,490	10,246,490
1867	12,018,600	8,429,200	4,706,720	25,154,720
1868	16,659,600	6,171,800	4,982,520	27,813,720

(1) No report.
(2) Harvest storms.

Year ending	N. & S. Carolina	Georgia	Louisiana	Total
1869...	23,428,200....	10,720,800....	9,502,910....	43,651,910
1870...	25,423,200....	15,217,800....	13,329,880....	53,970,580
1871...	25,800,000....	15,000,000....	14,088,880....	54,888,880
1872...	25,705,200....	6,750,000(2).	6,870,790(2).	39,325,990
1873...	28,344,000....	11,924,400....	12,007,380....	52,275,780
1874...	25,840,200....	14,221,200....	22,338,900....	62,400,380
1875...	28,360,800....	13,002,600....	26,450,000....	67,813,400
1876...	27,354,500....	15,106,200....	41,400,000....	83,860,800
1877...	28,940,400....	16,087,800....	41,630,000....	86,628,200
1878...	26,926,200....	17,914,200....	32,892,000(2).	77,732,400
1879...	25,304,400....	18,437,400....	37,772,000(2).	81,513,800
1880...	38,252,400....	24,344,400....	25,000,000....	85,596,800
1881...	35,212,200....	24,715,200....	51,941,590....	111,868,990
1882...	29,035,200(2).	18,345,000(2).	55,224,610....	102,604,810
1883...	34,477,800(2).	18,457,200(2).	47,150,000....	99,985,000
1884...	34,380,600....	21,119,400....	55,200,000....	110,700,000
1885...	40,659,600....	22,902,000....	46,000,000....	109,561,600
1886...	35,648,700(2).	14,496,300(2).	100,050,000....	150,195,000
1887...	41,395,800....	19,973,700....	94,300,000....	155,669,500
1888...	33,855,000....	11,975,700....	67,800,000....	113,630,700
1889...	32,768,800....	13,709,400....	81,250,000....	124,733,200
1890...	37,251,600....	15,095,400....	79,375,000....	131,722,000
1891...	35,925,000....	13,125,000....	87,750,000....	136,800,000
1892...	33,881,700....	12,005,700....	109,778,200....	155,665,600
1893...	40,068,900....	15,078,000....	182,400,000....	237,546,900
1894...	15,309,945(2).	8,688,015(2).	98,867,200(3).	122,865,160
1895...	26,364,800....	6,656,000(2).	76,800,000(3).	109,820,800
1896...	30,621,440....	10,464,000....	127,600,000(4).	168,665,440

APPENDIX B

Acres of Rice Planted in Louisiana, 1880-1900

Parishes	1880	1890	1900
Ascension	616.....	2,982.....	855
Assumption.....	1,420.....	5,234.....	1,828
Avoyelles	178.....	212.....	53

(2) Harvest storms.
(3) Drought during growing season.
(4) Unfavorable growing conditions.

Parishes	1880	1890	1900
Baton Rouge, East	6	740	310
Baton Rouge, West	...	810	355
Bossier	...	1	...
Caddo	1	...	...
Calcasieu	600	8,655	44,321
Caldwell	3	10	...
Catahoula	...	14	6
Claiborne	...	3	...
Feliciana, East	19	4	5
Feliciana, West	5	...	...
Franklin	...	2	...
Iberville	3,129	3,948	2,113
Jackson	...	2	...
Jefferson	1,841	1,308	2,443
Lafayette	110	843	1,494
Lafourche	9,732	4,066	4,658
Livingston	166	50	44
Natchitoches	3	11	...
Orleans	1,332	400	...
Ouachita	...	3	126
Plaquemines	10,181	9,146	11,546
Pointe Coupée	...	150	1
Rapides	2	20	5
Sabine	2	2	1
St. Bernard	1,807	859	840
St. Charles	1,320	2,875	3,752
St. Helena	68	19	1
St. James	5,870	8,135	5,001
St. John Baptist	696	4,308	3,890
St. Landry	856	7,094	8,186
St. Martin	7	9	208
St. Mary	...	2,777	58
St. Tammany	127	771	261
Terrebonne	705	1,198	470
Vermillion	606	1,507	24,910
Washington	264	4	136
Winn	4	6	5
Cameron	12	123	9,549
Grant	...	9	1
Iberia	33	31	6,178

Parishes	1880	1890	1900
Lincoln	...	1	...
Tangipahoa	248	526	114
Vernon	31	157	6
Acadia	...	15,352	67,955
Total	42,000	84,377	201,685

APPENDIX C

Pounds of Rice Produced in Louisiana, 1840-1860

Parishes	1840	1850	1860
Ascension	...	33,500	50,800
Assumption	...	99,700	739
Avoyelles	...	291,350	...
Baton Rouge, East.	14,550	4,009	...
Baton Rouge, West.	...	900	...
Bienville	...	6,688	3,366
Bossier	...	145	...
Caddo	...	10	39,360
Calcasieu	200	1,176	...
Caldwell	...	2,820	200
Catahoula	...	903	...
Claiborne	...	60	...
Concordia	...	100	...
De Soto	...	33,400	17
Feliciana, East	...	42,675	...
Feliciana, West	...	8,000	...
Franklin	...	76	...
Iberville	...	...	382
Jackson	...	5,070	...
Jefferson	104,260	122,000	680
Lafayette	...	2,168	381,550
Lafourche	167,760	231,930	1,060
Livingston	83,930	83,480	...
Madison	...	8,150	...
Morehouse	...	17,255	...
Natchitoches	...	14,375	...
Orleans	...	40,000	...
Ouachita	...	420	...
Plaquemines	985,800	1,536,740	4,635,500

Parishes	1840	1850	1860
Pointe Coupée	...	16,840	3,000
Rapides	253	4,500	45
Sabine	...	21,130	1,620
St. Bernard	34,600	...	...
St. Charles	800,000	619,000	821,385
St. Helena	35,060	54,868	11,772
St. James	...	68,500	...
St. John Baptist	112,000	314,200	134,600
St. Landry	5,000	6,144	59,640
St. Martin	...	3,700	4,086
St. Mary	4,741	140	...
St. Tammany	...	97,793	22,040
Tensas	17,880	3,000	...
Terrebonne	...	466,900	131,016
Union	...	...	1,000
Vermillion	251,250	1,664	...
Washington	...	159,750	27,340
Winn	...	...	50
Total	3,604,534	4,415,282	6,331,257

Appendix D

Pounds of Rice Produced in Louisiana, 1870-1900

Parishes	1870	1880	1890	1900
Ascension	15,926	333,001	3,274,952	669,370
Assumption	17,229	226,880	5,022,416	1,936,449
Avoyelles	78,385	201,390	230,500	32,843
Baton Rouge, E.	427	750	967,296	388,962
Baton Rouge, W.	...	...	890,000	797,400
Bossier	...	...	35	...
Caddo	...	600	...	...
Calcasieu	29,400	387,224	5,985,255	32,990,143
Caldwell	...	2,625	5,400	...
Catahoula	...	...	5,245	5,295
Claiborne	245	...	1,960	380
Feliciana, E.	5,900	...	1,375	3,096
Feliciana, W.	...	5,000	...	...

Parishes	1870	1880	1890	1900
Franklin	...	2	1,040	...
Iberville	...	2,198,550	4,615,963	2,497,868
Jackson	4	...	300	...
Jefferson	269,620	825,774	1,774,394	2,986,884
Lafayette	221,600	40,063	744,556	1,011,733
Lafourche	1,691,410	4,692,334	3,171,240	5,303,150
Livingston	20,900	61,050	42,000	16,776
Natchitoches	...	1,500	6,090	...
Orleans	198	1,239,240	350,000	...
Ouachita	...	...	3,120	78,332
Plaquemines	8,639,026	6,609,954	9,662,162	10,055,066
Pointe Coupée	...	...	95,802	300
Rapides	...	923	10,800	1,470
Sabine	...	1,900	2,410	378
St. Bernard	190,480	1,027,200	907,200	993,519
St. Charles	2,238,200	609,943	2,925,025	3,372,992
St. Helena	...	23,722	10,656	200
St. James	934,915	2,718,586	9,147,724	6,228,798
St. John Baptist	632,670	501,960	4,085,280	4,361,626
St. Landry	33,375	246,643	4,284,792	2,480,629
St. Martin	...	3,187	5,700	151,235
St. Mary	69,327	...	3,384,100	51,360
St. Tammany	26,225	49,718	705,033	112,524
Terrebonne	233,000	397,554	871,780	386,887
Vermillion	421,501	368,623	1,005,171	22,057,969
Washington	12,807	186,915	3,390	29,135
Winn	1,562	4,900	3,250	2,250
Cameron	...	7,050	51,525	3,938,612
Grant	150	...	1,860	150
Iberia	12,500	21,280	24,960	6,866,166
Lincoln	...	...	270	...
Tangipahoa	57,030	194,080	478,910	46,819
Vernon	...	10,865	76,890	1,400
Webster	...	...	...	100
Acadia	...	...	10,807,426	62,874,164
Total	15,854,012	23,188,311	75,645,433	172,732,430

APPENDIX E

Receipts of Rice at New Orleans for Crop Seasons, 1886-1896

(Crop Season: August 1st to July 31st)

Crop season	Clean (Barrels)	Rough (Barrels)
1886-1887	838,476	48,566
1887-1888	626,811	23,263
1888-1889	737,075	29,227
1889-1890	777,742	7,441
1890-1891	892,374	4,115
1891-1892	1,052,331	5,640
1892-1893	1,972,946	6,490
1893-1894	921,515	6,295
1894-1895	789,889	1,650
1895-1896	1,305,139	7,482

APPENDIX F

Tariff on Rice, 1840-1890

1840.....On free list.
1846.....20% ad valorem (average 5/8¢ per lb.)
1857.....15% ad valorem (avearge ½¢ per lb.)
1861.....Cleaned 1¢; Uncleaned ½¢.
1862.....Cleaned 1½¢; Uncleaned 1¢.
1864.....Cleaned 2½¢; Uncleaned 2¢; Rough 1½¢.
1883.....Cleaned 2¼¢; Uncleaned 1½¢; Rough 1¼¢.
1890.....Cleaned 2¢; Uncleaned 1¼¢; Rough ¾¢.

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